C 86/8

U. S. Department of Justice
Law Enforcement Assistance Administration

NEWARK PUBLIC LIBRARY
SEP 2 1981
U. S. GOVT. PUBS.
DEPOSITORY 376

Property Crime Program

The Identification and Recovery of Stolen Property Using Automated Information Systems:

An Investigator's Handbook

J 26.8:

READEX FICHE

best copy available

blank page

THE IDENTIFICATION AND RECOVERY OF STOLEN PROPERTY USING AUTOMATED INFORMATION SYSTEMS: AN INVESTIGATOR'S HANDBOOK

BY

MARY V. MCGUIRE

MARILYN E. WALSH

BATTELLE LAW AND JUSTICE STUDY CENTER
4000 NE 41ST STREET
SEATTLE, WASHINGTON 98105

PROJECT MONITORS:

MR. JAMES O. GOLDEN
MR. RICHARD WARD
CRIMINAL CONSPIRACIES DIVISION
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

This document was prepared under a subcontract to the Battelle Law and Justice Study Center from the California Department of Justice as part of the Department's efforts on Grant No. 79-DF-AX-0049. This grant was made to the California Department of Justice by the Criminal Conspiracies Division, Law Enforcement Assistance Administration, U. S. Department of Justice, Washington, D.C.. Points of view and opinions expressed herein are the authors' and do not necessarily reflect those of the Law Enforcement Assistance Administration or the California Department of Justice.

THE IDENTIFICATION AND RECOVERY OF STOLEN PROPERTY USING AUTOMATED INFORMATION SYSTEMS: AN INVESTIGATOR'S HANDBOOK

TABLE OF CONTENTS

	Page
Foreword	v
CHAPTER I. PROPERTY CRIMES: WHAT IS THE LAW ENFORCEMENT MISSION?	1
I. Introduction	6
A. Dynamic Versus Static Property Crimes Enforcement	6
B. Preserving the Evidentiary Trail--The Key to Dynamic Property Crimes Enforcement	9
II. Developing Effective Property Recovery Strategies	11
A. Analyzing and Understanding Stolen Property Transactions	11
B. An Innovative Approach to Developing Leads in Property Theft Cases	15
III. Summary	17
CHAPTER II. REPAIR RECORDS ANALYSIS: THE MATCH TECHNIQUE	19
I. Automated Stolen Property Systems	19
II. Equipment Repair or Service Records	22
III. Data Processing Equipment and Personnel	25
IV. Summary	27
CHAPTER III. FIELD INVESTIGATION AND FOLLOW-UP: PURSUING THE STOLEN PROPERTY	28
I. Verifying Hits	28
II. Follow-Up on Leads	30
III. Recovery of Stolen Property: The Field Visit	34

Page

IV. Case Preparation and Disposition of Stolen Property . . . 39

V. Summary 40

CHAPTER IV. MANAGING THE REPAIR RECORDS ANALYSIS PROGRAM: RECORD-KEEPING AND PROGRAM EVALUATION 43

I. Tracking Hits, Leads, and Investigations 44

II. Tracking the Results of the Program 46

III. Tracking the Movement of Stolen Property 48

IV. Summary 48

CHAPTER V. REPAIR RECORDS ANALYSIS AND THE LAW 51

I. Repair Records Analysis and the Law: Some Specific Legal Questions 51

A. Culpability of the Possessor of Stolen Property . . 52

B. Rightful Possession of Stolen Property 52

C. Bases for Intervention: Probable Cause 53

II. Legal Issues Underlying a Dynamic Property Crimes Enforcement Effort 57

III. Summary 59

CHAPTER VI. IMPLEMENTING REPAIR RECORDS ANALYSIS PROPERTY CRIMES ENFORCEMENT PROGRAMS 61

I. Barriers to Effective Property Recovery Strategies . . . 62

A. Competing Priorities in Contemporary Law Enforcement 63

B. Training Investigators to Utilize New Sources of Investigative Leads 64

C. Overcoming Investigator Intimidation in Dynamic Property Crimes Investigations 66

II. Establishing Policies That Support Dynamic Property Recovery Approaches 68

III. Organizing Resources for Effective Property Efforts 72

		Page
	A. Seeking Legal Remedies and Enforcement Aids	72
	B. Mobiizing Agency Resources	74
	C. Mobilizing Public Support and Assistance	78
IV.	Working with Private Sector Organizations and Other Law Enforcement Agencies	80
	A. Manufacturers, Repair or Service Outlets	80
	B. Other Law Enforcement Agencies	81
V.	Summary	82
APPENDIX A.	National Office Equipment Repair Records Analysis Program Internal Coding Form for Original Crime Report and Repair Invoice	85
APPENDIX B.	National Office Equipment Repair Records Analysis Program Investigator's Checklist and Guidelines for Property Recovery Investigations	87
APPENDIX C.	National Office Equipment Repair Records Analysis Program Property Recovery Report Form for Field Investigations	91

Foreword

In recent years a number of law enforcement agencies have implemented programs designed to increase the effectiveness of property crimes enforcement. One such program involved the development and testing of a new technique for the identification and recovery of stolen property using automated information systems: repair records analysis. This technique was developed, implemented on a pilot basis in the state of California, and later extended to a national-level program by the California Department of Justice and the Battelle Law and Justice Study Center with funding from the Criminal Conspiracies Division of the Law Enforcement Assistance Administration. Repair records analysis techniques have withstood the trials of field testing and demonstrated great promise for successfully revitalizing property crimes enforcement.

This handbook attempts to provide a complete introduction to repair records analysis, including procedures for implementing and operating a repair records analysis program. It is hoped that this handbook contains the background, basic information, and guidelines needed by law enforcement agencies and investigators wishing to implement their own repair records analysis programs.

In preparing this handbook, the authors benefitted enormously not only from the support of the California Department of Justice Property Recovery project staff and Mr. James Golden of the L.E.A.A., but also from the input of law enforcement officers who participated in the national property recovery project and who shared their time, expertise, and suggestions for the handbook: Detectives Michael Ogliaruso and Jack Healy of the New York Police Department; Detective Al Johnson of the District of Columbia Metropolitan Police Department;

Detective Harvey Goldberg of the Suffolk County Police Department, Detective Richard Battaglioli and Detective-Sergeant James Rerisi of the Nassau County Police Department. Additionally, Assistant District Attorney John Quinn of the New York County District Attorney's Office provided valuable assistance and suggestions.

Finally, two members of the Battelle Law and Justice Study Center deserve special acknowledgement: Dr. Thomas Overcast, who provided editorial suggestions, and Mrs. Charleen Duitsman, who assumed responsibility for its production.

Special mention should be accorded to the Federal Protective Service Division of the General Services Administration's National Capital Region for their efforts in validating the contents of this handbook; to Regional Administrator Walter V. Kallaur and Assistant Regional Administrator for Public Buildings Service John T. Myers for providing the resources for its publication.

CHAPTER I

PROPERTY CRIMES: WHAT IS THE LAW ENFORCEMENT MISSION?

I. INTRODUCTION

Each year as crime statistics are tabulated, the disappointing record of the criminal justice system with respect to property crimes enforcement is also portrayed. Revealed is an enforcement record characterized by three major components:

- a high rate of property theft per 100,000 inhabitants, combined with
- a poor rate of case clearance on property crimes (particularly burglary and larceny); and
- a disappointingly low rate of recovery of goods stolen in property crimes.

This has meant that while thefts have continued to occur with great frequency, the capacity of the criminal justice system to solve such crimes, to apprehend those responsible, and/or to recover from offenders the fruits of these crimes has been singularly unimpressive. Equally as frustrating is the fact that this poor record of performance has persisted year after year with little or no improvement.

The decade of the 1960s saw property crimes increase 180 percent over the pre-1960 level.[1] This pattern has been repeated in the 1970s,

---

[1] Crime in the United States - 1970, Uniform Crime Reports, U.S. Department of Justice, Federal Bureau of Investigation (Washington, D.C.: U.S. Government Printing Office, 1971), at p. 4.

with property thefts having increased 39 percent by 1975, over their level in 1970.[2] In the same period that property thefts were showing a substantial increase, the performance of law enforcement was, if anything, deteriorating in effectiveness. Blakey and Goldsmith,[3] for example, reviewed the value of property stolen and recovered annually between 1960 and 1975, using a base of 1960 dollars to adjust for inflation. They found that while the amount of goods stolen per 100 persons increased from $502.00 in 1960 to $1,061.00 in 1975,[4] the value of property recovered failed to keep pace with the increased theft rate. In fact, the rate of recovery of stolen property actually declined in the time period studied from a recovery rate of 52.4 percent in 1960 to a rate of 29.9 percent by 1975.[5]

As disappointing as these figures may be, it should be noted that they present a more optimistic view of law enforcement performance in the property crimes area than is justified. Because they include the theft and recovery of motor vehicles, a class of stolen property traditionally recovered at a high rate, the statistics tend to be inflated. Thus, when Blakey and Goldsmith focused on the category of "miscellaneous property stolen"--which includes office equipment, televisions, stereos, firearms, and household goods (but not automobiles)--they found a much lower rate

---

[2]Crime in the United States - 1977, Uniform Crime Reports, U.S. Department of Justice, Federal Bureau of Investigation (Washington, D.C.: U.S. Government Printing Office, 1978), at Table 2, p. 37.

[3]G. Robert Blakey and Michael Goldsmith, "Criminal Redistribution of Stolen Property: The Need for Law Reform," Michigan Law Review, Vol. 74, No. 8, August 1976, pp. 1511-1626.

[4]Ibid., at p. 1617.

[5]Ibid., at p. 1618.

of recovery for such goods that had also declined over time. In 1960, for example, the recovery rate of miscellaneous goods stolen was 18.7 percent compared with 13 percent in 1974.[6] Blakey and Goldsmith note that the miscellaneous category of stolen property is of particular significance because since 1966 "[the] sharp rise in the theft rate for miscellaneous property accounts for a substantial, simultaneous increase in the overall property theft rate."[7] More recently, the property crime rate has shown a slower rate of increase, but the rate of recovery for stolen office equipment, home entertainment equipment, firearms, and household goods has continued to decline, registering 8.6 percent for the year 1979.[8] In addition, both during the 1960s and early 1970s when property crimes were showing a tremendous increase and since 1975 when the increase slowed, the clearance rates for these crimes--and in particular for burglary and larceny--have been consistently lower than for any of the other index crime categories. While violent crimes such as murder, assault, and robbery generally record clearance rates of about 81 percent, 72 percent, and 27 percent respectively, burglaries and larcenies are consistently cleared at a rate of only 18 to 19 percent.[9]

---

[6]An earlier draft of the above cited article by Blakey and Goldsmith contained this analysis of the "miscellaneous goods stolen" category. Copy kindly supplied by the authors.

[7]Blakey and Goldsmith, op. cit., at p. 1616.

[8]Crime in the United States - 1979, Uniform Crime Reports, U.S. Department of Justice, Federal Bureau of Investigation (Washington, D.C.: U.S. Government Printing Office, 1980), at p. 176.

[9]Average rates calculated using national figures contained in the Uniform Crime Reports for the years 1969, 1971, 1973, 1974, 1977, and 1979.

350-472 O - 81 - 2

Given this generally disappointing record of performance by law enforcement in the property crimes area, it is not surprising that enforcement executives and administrators have tried many different approaches to more effectively control such crime. Since the late 1960s, enforcement agencies have undertaken such projects as innovative patrol techniques geared to the time and place of thefts; target hardening programs to increase the level of security employed by residential and commercial property owners; and community crime prevention programs, such as Operation-Identification (property engraving) and block watches, to enhance citizen participation in theft control efforts. All of these have had limited success in jurisdictions where they have been tried, but their overall impact on the theft rate has not been impressive.

These approaches were similar in that they were all directly related to the traditionally conceived mission of law enforcement in the property crimes area, that of identifying and arresting thieves. By the mid-1970s, however, an alternative or additional property crimes mission was gaining currency in the law enforcement community, that of targeting and arresting fences of stolen goods who provide the market for stolen property. Innovative approaches based upon this newly articulated mission (anti-fencing enforcement) were successful in jurisdictions where tried, and also showed some promise in affecting the overall theft rate. It is perhaps significant to note, for example, that the national theft rate began to stabilize and show a slower rate of increase at the same time that anti-fencing enforcement was at its height.

Unfortunately, anti-fencing enforcement has been too often conceived of as a "special effort"--not part of an agency's traditional property crimes mission. This view was reinforced to some extent by the fact that

most anti-fencing programs were financed through federal assistance projects, only to be quickly abandoned once federal support was discontinued. What has remained is a major area of enforcement responsibility, property crimes, in which there exists a serious confusion as to mission. So great is this confusion and so unsettled is this area of law enforcement that it now becomes important to ask the question that always seemed too self-evident to pose: What is the appropriate mission of law enforcement in the property crimes area?

Quite clearly, major difficulties in property crimes enforcement have arisen because of attempts to represent the enforcement mission in a single objective, instead of recognizing that it consists of a series of interrelated objectives that must be pursued in a coordinated manner if success is to be achieved. Law enforcement agencies have too often single-mindedly pursued the objective of catching thieves to the exclusion of other, equally important objectives such as thwarting the market for stolen goods (focusing on the fence) or injecting greater risk into the receipt and purchase of stolen goods (focusing on the ultimate consumer). By doing so agencies fail not only to meet these additional objectives but also to achieve their stated mission of catching thieves. This is because the series of objectives that are appropriately conceived of as the law enforcement mission in property crimes are interdependent; thus successful performance in meeting one objective is contingent upon there being complementary efforts undertaken in pursuit of others.

It is particularly fateful for a law enforcement agency to select the catching of thieves as the sole embodiment of its property crimes mission, because the capacity of the criminal justice system to achieve this objective has declined in the last 15 to 20 years. There are many

reasons for this, not the least of which is the significant decline in this same period in the skills exhibited by the average thief. It is currently far less likely that a thief's identity can be gleaned from evidence available at the scene of a theft, as was the case when the highly developed and differentiated skills of the average thief made his modus operandi tantamount to a calling card. Those agencies that have persisted in pursuing the exclusive objective of catching thieves, then, have virtually set themselves up for failure. They have, in effect, specified a mission that they cannot expect to achieve. In addition, they have placed themselves in a static and self-defeating posture with respect to property crimes enforcement, when a more dynamic approach could yield more positive results and be more beneficial to both law enforcement agencies and the citizens they serve.

A. Dynamic Versus Static Property Crimes Enforcement

Figure 1 contrasts the flow of events conceived of under a static as compared with a dynamic view of property crimes. The static view which regards the catching of thieves as the sole and exclusive objective of the property crimes enforcement mission, is concerned only with the events in the far left-hand portion of Figure 1. In this view the only offender of relevance is the thief and the only crime scene of importance to law enforcement is the original site of the theft. Because this view of the property crimes mission considers only a small portion of the events involved in a property crime, it pins all its hopes for success on one critical factor--the capacity of law enforcement to identify the thief from evidence available at the site of the theft. Given the clearance rates on property crimes, we know that this

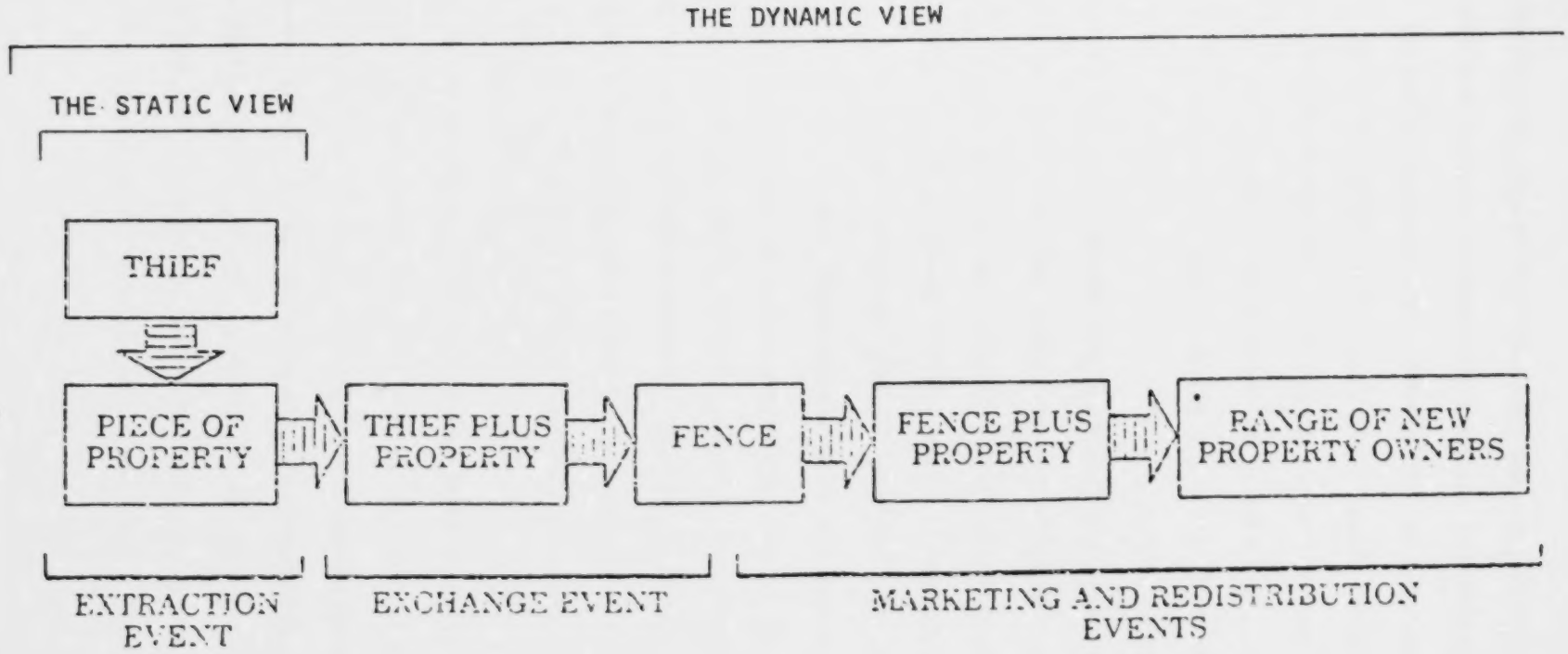

FIGURE 1: THE DYNAMIC VERSUS THE STATIC VIEW OF THE FLOW OF EVENTS INVOLVED IN A PROPERTY CRIME

identification is not made in over 80 percent of the cases and that the capacity to make it has, for reasons noted above, declined significantly in the past 20 years. It is little wonder that agencies which adopt this approach soon find themselves in a stagnant and self-defeating posture with respect to property crimes. In addition, the personnel in such agencies assigned to the property crimes mission generally are poorly motivated, have low morale, and are quickly caught up in a self-fulfilling prophecy of failure.

Contrast this situation with that where a more dynamic approach to property crimes enforcement is taken. Under the more dynamic approach, the full range of events depicted in Figure 1 is considered relevant to an agency's property crimes mission. Rather than having a single objective, the catching of thieves, as the embodiment of their enforcement mission, agencies adopting a dynamic view of property crimes formulate a series of objectives related not only to thieves but also to fences of stolen goods and to intermediate and final possessors of stolen property. This means that many types of individuals, ranging from the original thief to the final consumer of stolen goods, become proper subjects of law enforcement attention. Similarly, many different crime scenes, ranging from the site of the original theft to the business(es) of the fence(s) involved in trafficking the stolen goods to the businesses or residences of the intermediate and final possessors of the property, become worthy of investigative focus.

This also means that the dynamic view of the property crimes mission does not pin all its chances for successful performance on the ability to identify the thief at the original crime scene. Instead, it offers many points in the course of a property crime where enforcement agents have

the chance to intervene and successfully achieve their stated mission. The dynamic approach, in contrast to the static approach, does not concede 80 percent of its chances for success at the original crime scene. Rather, by understanding and following the course of the crime it provides additional opportunities for success.

Agencies which adopt the dynamic approach have a property crimes enforcement mission that is both alive and exciting. Personnel assigned this mission do not have a self-fulfilling prophecy of failure because, even when the thief is not immediately identified, they are not defeated. Instead, they know that they still have the chance of intercepting the thief at the time the stolen property is fenced. Barring that, they may recover the stolen goods from the fence, thereby identifying both the receiver and the thief. And barring that, they may track back to both these offenders by recovering the stolen goods from a final possessor. Rather than being severely limited in their chances for success, theft investigators with a dynamic definition of their mission have many chances to succeed and many options to pursue in achieving their objectives.

B. Preserving the Evidentiary Trail--The Key to Dynamic Property Crimes Enforcement

While a more dynamic approach to property crimes enforcement offers obvious advantages to a law enforcement agency, to its personnel, and to the citizens it serves, it may be difficult to determine how to reorient and revitalize a currently static enforcement program in order to reap such benefits. In this regard, it is useful to refer again to Figure 1 showing the critical difference between the static and the dynamic approaches to property crimes. The narrow focus of the static

approach observed in Figure 1 produces a limited range of events over which law enforcement can prevail in order to successfully intervene in a property crime. The dynamic approach, on the other hand, conceives of a much broader range of events as being significant to the completion of a property crime. Because of this, the dynamic approach has the effect of "keeping the crime alive" for an extended period during which successful investigation and intervention can take place.

The way in which the dynamic approach keeps the crime "alive" is by preserving its evidentiary trail. This is the key to its vitality and success. Instead of focusing on a particular individual or type of individual involved in a property crime, and instead of riveting its attention on one crime scene or one type of crime scene, the dynamic approach sets its sights on the one element of the crime that remains constant: <u>the stolen property</u>. No matter how many people become involved in a property crime, no matter how many different crime scenes become relevant, and no matter how geographically distant the phases of the crime, <u>stolen property</u> leaves in its wake a trail of evidence capable of establishing the culpability of those who have had a hand in its theft and redistribution. By following the property, then, one has followed the course of the crime itself.

In addition, by following the property at least one successful intervention in the crime is assured, i.e., the recovery of the stolen goods. This is a crucial aspect of the dynamic approach to property crimes enforcement, meaning that even in the case where no conviction is obtained or indeed even where no arrests are made, the criminal justice system by recovering the stolen property will still have succeeded in snatching the fruits of the crime from those who intended to benefit from

them. Ideally, of course, the dynamic approach calls for the type of thorough investigation that will support the arrest and prosecution of those culpably involved in a property crime. Even when the approach functions at a minimal level, however, it still permits the successful intervention of law enforcement in a property crime. Much as the phrase "Follow the Money" has become a watchword in traditional organized crime enforcement, Follow the Property becomes the keystone of the dynamic approach to property crimes enforcement.

II. DEVELOPING EFFECTIVE PROPERTY RECOVERY STRATEGIES

Since following the property and effecting its recovery are the cornerstones of a dynamic property crimes enforcement program, developing effective property recovery strategies becomes critical to adoption of such a program. In order to develop effective property recovery strategies, it is important to: (1) analyze and understand stolen property transactions; and (2) adopt an innovative approach to developing leads in theft cases. These are discussed below.

A. Analyzing and Understanding Stolen Property Transactions

In order to develop effective recovery efforts, it is important to understand the types of transactions to which most stolen items are subjected. Most stolen property appears to end up in the hands of possessors who are very similar to the victims from whom the property was stolen. Thus, office equipment and supplies stolen from business and professonal victims are most frequently found in business and professional settings. Stolen home entertainment equipment, on the other hand, is most frequently redistributed to individual consumers similar to those from whom it was taken. The complexity of the process by which

350-472 O - 81 - 3

distribution takes place, however, will differ greatly not only by the type of commodity, but also on the basis of the thieves and fences involved in the original theft and receipt of the merchandise. Depending upon the length and complexity of the redistribution process, the character of the transactions involving a stolen item will also change. Thus, individuals who come into possession of stolen goods at the end of the process will be less likely to have guilty knowledge of their stolen character than do those at the beginning.

At miminum, most stolen items undergo two transactions: (1) the exchange transaction between the thief and the fence; and (2) the resale transaction where the fence redistributes the item to a final consumer. In virtually all cases, exchange transactions take place between knowledgeable, and hence culpable, parties, i.e., both fences and thieves know they are dealing in stolen property--the illegal fruits of crime.[10] Resale transactions, however, are not so easily labeled. While the fence may be assumed to be knowledgeable, the degree of knowledge on the part of the final consumer will turn on two elements: (1) how and where the transaction takes place; and (2) the terms and conditions of the transaction, including the price quoted and paid for the item.

In a more complex redistribution process, stolen items undergo a greater number of transactions, beginning with the exchange between the thief and fence, and continuing with a series of resale transactions between buyers of the goods until a final sale is made to an ultimate consumer. Though more complex, the same rules apply to this situation as

---

[10]Whether this can be proven in court is, of course, another issue.

were stated above. The exchange transaction can be presumed, in most cases, to involve culpable parties, while all subsequent transactions must be judged on the basis of how, where, and under what conditions the resale of the item(s) took place.

Perhaps the least troublesome situation for law enforcement is the one where all parties can, by their behavior, be shown to be culpable. Investigators generally have little difficulty in seizing stolen items from such parties and taking appropriate enforcement action against them. More problematic, however, is the situation where some parties to stolen property transactions (and, in particular, final consumers) exhibit behavior which, while somewhat questionable, is not clearly culpable. Consider, for example, the case where a business establishment purchases at a "good" price several office machines (later shown to be stolen) from an individual who happened by the office one day. Generally, the business makes such purchases through regular commercial channels and not from individual sellers. Here investigators may seize the contraband items, but they may be somewhat reluctant to pursue the matter further because culpability is sufficiently hazy. It should be remembered, however, that while the law does not intend to assign criminal liability to those who innocently purchase stolen items, it does expect such purchasers to provide a full and reasonable account of how possession was obtained. At minimum, investigators should expect to leave such a situation with both the stolen goods and valuable information leading to the seller of the items.

Finally, the most troublesome situation for law enforcement occurs where stolen goods are found in the possession of truly innocent parties. Here investigators may show great reluctance to take any

action. Often this situation occurs after considerable time has passed from the date of the original theft, giving rise to the argument that the case is "too old." This is a specious argument since, unlike the theft itself, the statute of limitations on the receipt of stolen goods does not toll until the discovery of the items in the hands of a possessor has occurred. Nevertheless, investigators may feel that it is quite unfair to seize stolen items from an innocent purchaser. What should be remembered, however, is that it is equally unfair to require theft victims to subsidize the activities of thieves and fences, or of final consumers, whether knowledgeable or naive. Similarly, it is highly inappropriate for law enforcement authorities to compromise the ownership rights of the citizens they serve by failing to act conscientiously in a property crime investigation. As in the case above where a questionable though not clearly culpable purchaser was involved, the innocent purchaser should be expected to relinquish stolen goods and also to provide information leading to culpable sellers of such merchandise. The law will certainly not hold such purchasers criminally liable, and may even assist them in civilly recouping their losses from the sellers, but neither will the law allow original theft victims to underwrite those persons who have benefitted from their losses.

Stolen property transactions present a broad range of situations to law enforcement, some of which compel immediate and forceful action by investigating officers and some which may be terribly problematic for them. What must remain clear, however, is that no matter at what point the evidentiary trail of a property crime is picked up by investigators

through the identification and location of stolen goods, two results must be obtained:

- the evidentiary trail must be pursued to identify the culpable parties involved; and
- the stolen goods must ultimately be recovered.

In this there can be no retreat and no exceptions, for to do so would compromise the basic right of property ownership underlying our society.

B. An Innovative Approach to Developing Leads in Property Theft Cases

As might be expected, it is relatively easy to specify the kinds of theft situations that can confront investigators in property crime cases. It is much more difficult, however, to develop efficient methods for identifying and intervening in these situations on a regular basis. Indeed, one of the major reasons why property crimes enforcement has stagnated in many agencies is the fact that the technology of burglary investigation has remained unchanged for many years. Yet effective strategies for the identification and recovery of stolen property are necessary to operationalize dynamic property crime enforcement. This handbook focuses on one such strategy--repair records analysis--and how that strategy can be implemented.

Generally, once a stolen item has reached its ultimate destination in the hands of a final consumer, it is lost to law enforcement. This problem has recently been overcome, however, through a new use of automated stolen property systems. This technique is based on the assumption that the final consumer of such stolen property (e.g., office equipment or home entertainment equipment) must eventually have that property serviced or repaired. A pilot program recently conducted in the

state of California compared the repair records of manufacturers of serialized office equipment with stolen property files.[11] These comparisons were able to generate thousands of identifications of stolen items in the possession of final consumers. When these comparisons were followed up by field investigations, it was also possible to determine the paths taken by the stolen items from the time of the original theft and to identify culpable persons who had taken part in the theft and redistribution of the merchandise. It was also possible to discover how and where certain stolen commodities were transported and resold, and how such purchases were transacted. In addition, of course, a tremendous number of stolen items were recovered for their true owners.

This repair analysis program generated leads for property crimes investigations that otherwise would not have existed. Most of the cases in which the identified items had been stolen were uncleared and inactive before these leads were developed. The program had the effect of revitalizing many unsuccessful investigations and providing investigating agencies with new successes in the property crimes area. The strengths of this approach to property crimes enforcement have been further demonstrated by a recent program extending California's work nationally.[12]

Part of the appeal of this novel technique for identifying and recovering stolen property is its simplicity--it relies upon existing law enforcement tools (automated property files) and works from an

---

[11]Distribution Paths of Stolen Property," LEAA Grant No. 78-TA-AX-0001.

[12]"IBM Property Recovery Project," LEAA Grant No. 79-DF-AX-0049. A more detailed description of the California pilot and the national property recovery projects is contained in the IBM Property Recovery Project Final Report.

understanding of consumer behavior (maintenance of purchased property). Implementing this strategy, however, is not an easy task. Not only is it necessary to recognize and accept a dynamic law enforcement policy prior to implementation, but also careful planning, training, and action are essential to this technique.

This handbook is intended to convey the key elements of the repair records analysis technique and to address the issues (and potential pitfalls) associated with implementation and operation of this approach. First, the handbook provides a detailed description of the repair records analysis technique. Second, the elements of the technique's companion field investigation and follow-up activities are described. Third, the handbook discusses case management and program evaluation procedures that may be helpful in the establishment and continued operation of a repair records analysis program. Fourth, legal issues associated with this dynamic approach to property crime enforcement are discussed. Finally, implementation of the technique is addressed, including some of the problems or obstacles that may arise and how they can be overcome.

III. SUMMARY

While property crime rates have been increasing, property recovery and clearance rates have remained disappointingly low. It is probable that this unfortunate state of affairs has resulted from a tendency to rely upon a traditional, static approach to property crime enforcement that views the scene of the crime as the sole opportunity for intervention, and views the identification and arrest of thieves as the sole mission of property crime enforcement. A dynamic view of property crime enforcement, on the other hand, views property crimes as a series

of transactions that provide a number of opportunities for intervention, and considers a variety of individuals, including thieves and fences, to be appropriate subjects of law enforcement efforts. While a dynamic approach to property crimes enforcement, with its keystone of Follow the Property, has the advantages of keeping the crime alive and offering increased opportunities for intervention and success, this approach requires effective, efficient means for identifying and recovering stolen property.

It is the purpose of this handbook to present one approach to operationalizing dynamic property crimes enforcement. This approach was developed on a pilot basis in California and has been extended nationally, demonstrating its effectiveness with one type of property--stolen office equipment. As this handbook will show, the techniques of this strategy are applicable to a wide variety of stolen property and offer opportunities for dramatically increasing the effectiveness of property crimes enforcement.

CHAPTER II

REPAIR RECORDS ANALYSIS: THE MATCH TECHNIQUE

Repair records analysis techniques locate and identify stolen property in the hands of final consumers of that property. This enforcement technique, building on the consumers' needs to have their property repaired or serviced, has several basic requirements. First, the property must be susceptible to accurate identification, and therefore should be permanently marked by the manufacturer with a unique serial number. Second, the stolen equipment should also be likely to require servicing or repairs; a wide range of property is therefore appropriate, although certain items of personal property--jewelry, silver, and the like--would not be amenable to this approach. Finally, the system depends upon matching repair records with lists of stolen property. To effectively carry out this matching technique, a law enforcement agency should have access to automated stolen property files, to equipment repair or service records, and to data processing facilities.

I. AUTOMATED STOLEN PROPERTY SYSTEMS

In order to preserve the evidentiary trail of a property crime through the stolen goods, there is a need for high quality record-keeping systems which will permit rapid identification and retrieval of information about stolen items. Because the majority of goods stolen

350-472 O - 81 - 4

each year are serialized items, automated stolen property files offer great potential for assisting property crimes investigations generally. More specifically, automated stolen property files also provide an essential component for repair records analyses, permiting rapid comparison of identifiable stolen property with repair records.

Currently nearly one half of the states maintain either a total or partial automated file of serialized stolen goods. In addition, a national file of stolen property is available through the National Crime Information Center (NCIC), and many large law enforcement agencies maintain such files for their own jurisdictions. The NCIC, as well as state and local systems, provide for storage and retrieval of a variety of information concerning stolen property, including the type of property, serial number, model number or type, date of theft, and original case number. With this information it is possible to determine probable leads to stolen property. When property has been repaired after the date of theft and that property appears on both a stolen property file and a repair record, the chances of being able to locate the property (in the hands of the person who sought repairs) are good.

Despite the widespread existence of automated stolen property systems and their potentially fruitful use in repair records analyses, these systems are often plagued by one or more of the following problems. First, there is often a lack of participation by law enforcement agencies in national or statewide systems, or by investigative units in locally based systems. This lack of participation means that the files are often woefully incomplete, thereby decreasing their value. Often this sets up a vicious cycle in which agencies stop participating because the system

is not useful, which only further decreases the value of the system. Clearly, automated systems offer great potential for rapid identification of stolen goods and for repair records analyses, but this potential cannot be effectively used unless participation is routine and at a high level.

A second problem encountered with automated systems is that their formats, features, and overall capabilities have often been designed for the convenience of those who program and maintain them, rather than for the ease of use by investigative personnel. In many cases, investigative input was neither solicited nor received prior to system implementation. As might be expected, therefore, information required by the automated system is not necessarily contained in investigators' crime reports, and investigators often have poor access to automated systems. This obviously has a serious impact on the rate of participation in the system as well as on its utility for property crimes investigation.

Another problem linked to this emerges where investigative personnel are not trained to use the system at all or to use it optimally to accomplish their purposes. Furthermore, it has often been the case that agencies have invested a great deal of money acquiring the hardware for an automated system and on its basic design and programming needs, but have made no investment in the upkeep and ongoing maintenance of the file. Thus, ongoing input to the system is left in the hands of a poorly trained, poorly paid, and poorly motivated civilian employee of the agency, whose many errors in entering items can render the system virtually useless. Finally, most systems have procedures for routinely purging all entries after a fixed time period. The NCIC, for example,

specifies that at the close of the calendar year following the year in which an item was entered, that item will be purged from the NCIC file. While the deletion of older, "stale" items from an automated stolen property file seems harmless, if not sensible, it can result in the loss of viable leads when repair records analysis techniques are utilized--these techniques can identify and locate stolen property long after the theft has occurred (and been entered on a stolen property file). The routine purging of dated theft reports from stolen property systems can lead to a failure to recognize the stolen character of property that is later repaired.

Thus, automated stolen property systems which hold the key to rapid identification and verification of stolen goods, to maintenance of the evidentiary trail, and to the successful operation of repair records analyses have, because of one or more of the problems noted here, often failed to live up to their potential. Problems frequently associated with stolen property systems need not preclude successful implementation of repair records analyses, however. Rather, the problems should be borne in mind, and steps taken to minimize their impact. Careful examination of a jurisdiction's utilization of its automated system will suggest problem areas which might easily be corrected by, for example, simply offering some training to system input personnel, or recreating a list of the stolen property that was purged from the system.

II. EQUIPMENT REPAIR OR SERVICE RECORDS

In order to conduct repair records analyses, or the match technique, a law enforcement agency also needs access to repair or service records for the type(s) of stolen property sought by the agency. Both the

California pilot project and the national level extension of that project focused on stolen office equipment. Therefore, typewriter service and repair records proved an essential tool for those projects.

In order to be used effectively in the match technique, repair records should contain the following information concerning the item(s) being serviced or repaired:

- equipment model and serial number
- date of repair or service
- name and address of the party in possession of the item.

The model and serial numbers of repaired equipment can then be compared with those listed in automated stolen property files to identify matches, or hits--i.e., pieces of property listed as stolen and having repairs.

As with stolen property files, incomplete or inaccurate repair records create problems for the match technique. In addition, simply acquiring access to repair records may also present a stumbling block to implementation of the technique. Access to repair records may be (and has been) compelled by statutes or ordinances. In the absence of such laws, an agency must seek the voluntary cooperation of those providing services and repairs.

The state of California enacted legislation requiring business machine dealers to report all used business machines handled or repaired by the dealer to the chief of police or sheriff upon request.[13] This law was designed to facilitate dynamic property crimes enforcement and is

---

[13]State of California, Business and Professions Code, Section 21628.5.

similar to reporting requirements imposed on pawn brokers and second-hand dealers in a number of jurisdictions.[14] Perhaps more important, however, this law facilitated the development and implementation of repair records analyses in California, where stolen office equipment was the target. The law provided a formal mechanism for acquiring access to repair records and for obtaining the cooperation and involvement of business machine dealers.

Without the benefit of such legislation, and to our knowledge California is the only state with this type of law, it is necessary to seek the voluntary cooperation of business machine or other equipment dealers. It is possible, however, to make a strong argument in favor of repair records analyses and dealers' assistance in this law enforcement strategy. A dealer or repair/service outlet could effectively use participation in the property crimes control effort as a means of promoting public relations. Large dealers or repair/service outlets affiliated with a manufacturer particularly stand to benefit from their involvement in this law enforcement effort--customers are likely to seek out dealers who not only have no part in furthering property crimes, but who also actively seek to discourage such crimes.

The repair records analysis techniques necessarily rely upon records of repaired or serviced equipment. It should be noted, however, that other record keeping systems may also provide information concerning the present location of previously stolen equipment. For example, were

---

[14]E.g., State of California, Finance Code Section 21208, Business and Professions Code Section 21625; Administrative Code of City of New York, Section B32-132.0.

manufacturers required to keep warranty or guaranty records, equipment repairs or servicing done under warranty could lead to the identification of stolen property. Similarly, were insurance companies to require reports of serial numbers, insurance records could provide a key to the identification and location of previously stolen property. Repair records, however, have the advantage of being currently available and, at least for some frequently stolen products, of offering complete, accurate information as to the location of the property.

III. DATA PROCESSING EQUIPMENT AND PERSONNEL

Automated stolen property files and repair records contain the information necessary to locate stolen property: a description of stolen property, on the one hand, and descriptions of serviced property and the people currently in possession of that property, on the other hand. A third requirement for repair records analysis is a mechanism for rapid, efficient comparison of the two sources of information. Data processing equipment and personnel can readily provide this mechanism, but the comparison can be accomplished in several different ways.

Perhaps the fastest method of comparison is that utilized in California, where both the repair records and the stolen property files are fully automated. The comparison is accomplished by a simple matching program that compares the fields containing the property model and serial numbers in the two files. This technique very quickly compares the two types of records and generates a list of hits, or matches, complete with all information contained in both files on each hit. This technique may require substantial editing of the two automated files in preparation for running the match program. Thus, while the comparisons can be rapidly

made with a simple program run on almost any computer (from minicomputers to large computer systems), data processing personnel may require the time and facilities for editing the files prior to comparison.

If repair records are maintained manually, the match technique, or repair records analysis, may be effected through any of several different approaches. By establishing a small scale data entry operation, the repair records could be fully automated, and the match technique described above utilized. Alternatively, only the model and serial numbers appearing in the repair records could be prepared for batch processing. A simple program could be used to search for matches and to generate a list of hits with information from the automated stolen property file. Repair records would then be manually screened to extract all repair information on the hits. The manual steps involved in this approach would be more time consuming than the fully automated technique, but in the event of a somewhat limited set of repair records or in a small jurisdiction, this may provide a cost-effective approach to generating hits.

A third means of comparison, though somewhat tedious, should be mentioned as a reminder of the flexibility of repair records analyses. With manual repair records, it would be possible to work with an automated stolen property system or a manual listing of stolen items, checking for the presence of repaired items in the stolen property file. This item-by-item check would be very time consuming, but it might be appropriate for a limited implementation of repair records analysis. For example, this approach may be effective to check the equipment handled by

a suspicious dealer or repair service or to conduct repair records analyses in a very small jurisdiction.

To maximize the impact of repair records analyses, however, it would be highly desirable to use fully automated repair and stolen property files. This permits rapid comparison of vast numbers of repaired items with stolen property files and increases the opportunity for finding matches, which in turn increases the likelihood of identifying and recovering a substantial amount of stolen property.

IV. SUMMARY

The tools and techniques utilized in repair records analyses are fairly straightforward. With access to a reliable automated stolen property system, repair records for the target commodity, and a mechanism for comparing the stolen property file with the repair records, it is possible to rapidly generate lists of "hits"--serialized property that appears in both the stolen property file and the repair records. These hits, or matches, often identify and locate stolen property. In addition, they represent opportunities for the recovery of that property, as well as for the identification of individuals involved in property crimes. The process of generating hits--matching repair records and stolen property files--is the first step in this dynamic property crimes enforcement approach. Once the hits are identified, systematic field investigation and follow-up work become the key to a successful law enforcement effort.

350-472 O - 81 - 5

CHAPTER III

FIELD INVESTIGATION AND FOLLOW-UP: PURSUING THE STOLEN PROPERTY

Each hit generated by the match technique might constitute a good lead on stolen property that results in recovery of that property and the arrest of a fence and thief. Generating a list of hits through repair records analyses is probably the easiest part of this law enforcement strategy, however. In order to efficiently accomplish recoveries and arrests on the basis of these hits, very careful investigative work is required. This investigative work involves four steps: verification of hits, follow-up on each lead, recovery of stolen property, and case preparation and disposition of stolen property.

I. VERIFYING HITS

Matching repair records and stolen property files yields information about the equipment that was serviced, the person in possession of the equipment at the time of servicing, the stolen equipment, and the original theft. This information is sufficient to generate matches and to provide a starting point for investigative work--verifying hits to determine which of the hits are good leads.

In a perfect world, it would not be necessary to verify hits before pursuing leads. Every bit of information recorded in the automated stolen property file and in repair records would be complete and

accurate. Even the best maintained files and records are liable to contain errors, however, and as the discussion in Chapter II suggests, a variety of problems can create error in most automated systems. For example, a serial number could be entered incorrectly, or the model number or description of the equipment could be inaccurate. The date of repairs could, in fact, precede the date of theft, so that the hit identifies the original owner (theft victim) rather than the current possessor of the stolen property. The theft may have been solved and the property returned to the original owner, but the case closing may not have been noted on, nor the property deleted from, the automated stolen property file.

It is possible to verify hits and to eliminate the bulk of those that represent erroneous matches by examining copies of the original crime report for the theft and the repair invoice. Standard form letters that request the crime report and repair invoice should be prepared (or generated by a computer printer or word processor, if these capabilities are available). The model and serial numbers of the hit can be entered on the letters, and the letters mailed to: (1) the agency or department identified in the stolen property system as handling the initial theft report, and (2) the branch or repair office conducting the equipment repairs or servicing.

With the crime reports and repair invoices in hand, it is possible to verify the following information:

- The match of the model and equipment serial numbers. The model number, serial number, and/or description of the equipment contained in both the original crime report and the repair/service invoice should be checked for accuracy. If any information was incorrectly entered into the automated systems, and

the equipment does not appear to be the same, the "hit" does not constitute a good lead.

Date of theft and date of repairs. The hit, to be considered a good lead, must also describe a piece of property that was repaired after it was stolen. The dates entered in the automated files should therefore be verified to insure that the hit does not erroneously identify the theft victim who no longer possesses the equipment.

Every hit for which (1) the matching model and serial numbers have been verified on the original crime report and repair/service invoice, and (2) the verified date of theft precedes the verified date of repairs constitutes a good lead. Since a majority of hits will often be erroneous, verifying each hit in this way will eliminate the bad hits efficiently, without devoting time and resources to needless site visits and field work. The California-based project typically eliminated 75 percent of its "hits" this way. In other words, about 1 out of 4 hits identifed by the computer match technique in California were good leads. Verifying all hits against the original crime reports and repair invoices clearly provides an effective case screening mechanism; verification directs field investigators toward only those matters that really require a field investigator's time and that are most likely to yield profitable results.

II. FOLLOW-UP ON LEADS

Once the list of computer-matched hits is reduced to a list of good leads, some time and effort should be devoted to follow-up on leads and to planning for field visits and interviews. This phase of background work and planning serves to familiarize investigators with each lead, to

further reduce the likelihood of conducting unproductive trips into the field, and to fully prepare investigators for field visits and interviews.

While the paperwork involved in verifying hits will catch many errors, the investigator assigned to a lead will also want to verify the stolen item's serial number and model number or description on the original crime report. The investigator should also verify the serial number, model number or description, and current location of the repaired equipment with the appropriate branch office or department conducting the repairs. These easy checks may eliminate a bad lead somehow missed in the verification of hits and prevent the inconvenience of travelling to the site of a lead only to find that the property located there is not stolen.

The investigator will also want to check the name of the theft victim on the original crime report and the name and address of the current possessor of the equipment. If these names and addresses match, the investigator may be able to eliminate a bad lead--i.e., where the equipment was repaired shortly before the theft. This can be checked with the appropriate repair dealer branch or department. It should be noted, however, that a match of names or addresses between theft victim and current possessor may alternatively mean that the victim has filed an erroneous or fraudulent theft report. Such apparent errors should be checked carefully, and the possibility of a fraudulent theft report should be kept in mind when planning for the field visit, for the recovery of stolen property, and for the interview, or debriefing of the current possessor of the property in such cases.

The name and address of the current possessor of the equipment also provides other information pertinent to the field work, namely, who or what agency should conduct the field visit. If the equipment is located within another jurisdiction, then an outside law enforcement agency may be in the best position, legally and geographically, to establish contact with the possessor and effect the recovery of any stolen property. If assistance from another agency is appropriate, then that agency should be contacted.

In planning for a field visit to interview the current possessor of the equipment identified by the lead, the investigator should weigh four considerations:

- the cooperativeness of the current possessor of the equipment;
- the need for a search warrant;
- the nature of the debriefing appropriate for the current possessor of the property; and
- the eventual disposition of any stolen items recovered in the field investigation.

Assessing the cooperativeness of the possessor and the need for a search warrant will require an investigator's own judgment. Many current possessors, whether culpable or innocent, will be very surprised at the investigator's visit and inquiries. In addition, since many people who possess stolen property for their personal use are legally innocent of criminal wrongdoing, if not completely unaware of the stolen character of their property, most possessors are cooperative. Thus, a search warrant may not be necessary either to gather any needed information or to recover stolen property from the possessor. In fact, the use of search warrants in the national extension of the California project has varied

dramatically from jurisdiction to jurisdiction, and yet successful investigations and recoveries have been made across the nation. While some investigators who have not relied heavily on search warrants in the national project feel that their jobs would be made much easier were search warrants more readily available to them, the investigations and recoveries made have been both legal and profitable.

In addition to making determinations concerning the cooperativeness of the possessor and the need for a search warrant, some thought should be given to the debriefing of the possessor--i.e., what information will be sought during the interview, and what explanation concerning the match technique and investigative effort will be provided. The national office equipment recovery project utilized field investigation report forms that were used to guide the interview with a possessor.[15] This form requested information about the following:

- purchaser/possessor of stolen property (name, address, occupation);
- the purchase transaction (where and how the purchase was made, price paid for the property); and
- the seller (name, address, whether seller and purchaser had done business together before).

The particular information to be gathered during an interview might well vary depending upon the type of property being recovered, the nature of the original theft, characteristics of the possessor, agency policy, the purposes of the recovery effort, or some other factor. In order to make the best use of the time devoted to the field interview, these factors should be considered and a protocol--formal or informal--for the

---

[15]A copy of this form is found in Appendix C.

interview of the possessor should be developed prior to the field investigation.

Similarly, the amount of detail, if any, to be given the possessor concerning the techniques used to locate the stolen property should be considered in advance of the interview so as to best promote the interests of the investigative program generally and to further the handling of the specific case at hand. The type of explanation of investigative procedures to be offered is less likely to depend upon the individual case than it is to be a function of agency, departmental, or program policy. If the program is implemented with a high degree of visibiity, then a full description of the investigative techniques may be in order. If, however, the repair records analysis program is implemented more confidentially, perhaps a cursory description of investigative work preceding the site visit would be most appropriate.

Finally, some thought should be given to the disposition of any stolen property retrieved during the field visit. While it may be too early to solidify plans for the ultimate disposition of stolen property to the theft victim or the victim's insurance company, making a note of the appropriate party (or parties) to contact if a recovery is accomplished may be useful. Also, planning for immediate storage of the property may be extremely helpful; notifying the property room of possible recoveries might ease the process of logging in stolen property following the field visit.

III. RECOVERY OF STOLEN PROPERTY: THE FIELD VISIT

The initial field visit and interview with the possessor of stolen property can result in the recovery of stolen property and in the

acquisition of valuable information concerning the sale, purchase, and trafficking patterns of stolen property. The first step upon arriving at the home or business of the possessor identified in a lead, however, is to check the model, description, and serial number of the property in question against stolen property files. While the verification of hits and, later, leads will have eliminated many bad or erroneous leads, it is possible that the personnel handling repairs recorded the serial number, model, or description of the repaired property incorrectly, or that the previously repaired equipment is no longer on the premises. It is also possible that, in addition to the property identified by the lead, other, similar equipment on the premises is stolen. Routinely checking all equipment of the kind targeted by this investigative effort eliminates the possibility of error in the lead and overlooking any stolen property not yet identified by the match technique.

If any stolen property is identified, that property can--and should--be seized. In this event, the investigative effort will have already accomplished something all too unusual in traditional property crimes enforcement--the recovery of stolen property. It also becomes possible, at this point, to acquire additional information by careful questioning of the possessor of stolen property that can assist in identifying and prosecuting fences, and possibly thieves, as well as in revealing the trafficking patterns of stolen property. This is the point at which planning for the field interview pays off. In addition to leaving the premises with stolen property, an investigator can leave the premises with new leads and information.

350-472 0 - 81 - 4

However, the approach taken with the possessor is very important. Despite the planning that precedes a site visit, the investigator's own judgment, training, and knowledge will play a key role in successfully completing the interview. The possessor of stolen property remains an unknown quantity until the time of the field visit. Often possessors differ from the types of suspects and witnesses investigators typically interview. The possessor is likely to be a newcomer to the interview process. Whether or not the possessor is aware of the stolen character of the property in question, he or she may adopt an attitude of righteousness or indignation. Although the possessor's culpability may be questionable and the possessor may differ from most parties usually interviewed in the course of a property crime investigation, the investigator must remember that a person found in possession of stolen goods should be regarded with the same degree of suspicion as, for example, a person in possession of controlled substances or other contraband. No person, other than the original theft victim, in possession of stolen property has a legal right to that property. The investigator can lawfully seize that property and should expect the possessor to provide detailed information about how, from whom, and under what circumstances the property was acquired.

The next step in the field investigation is to act upon the information provided by the possessor concerning the business or individual from whom the stolen item was obtained. As in the case of the possessor, the field visit and interview of the seller should be carefully planned. In particular, the investigator should keep in mind that the further back in time a case is tracked, the more likely one is

to find fully knowledgeable and culpable parties in stolen property transactions. Thus desirability of having a search warrant is increased, as is the probability of recovering additional stolen items. In the national office equipment recovery program, field visits to sellers of stolen typewriters identified by current possessors often led to the recovery of caches of stolen items and the identification of major fences of such equipment. In some cases 50 to 100 additional stolen machines were recovered. Such examples only serve to underscore the importance of thoroughly debriefing current possessors, firmly insisting that they provide details or records concerning the purchase transaction, and then rapidly acting upon the information supplied by the current possessor.

A range of information concerning the purchase transaction is helpful. Questions that might be asked of the possessor about the purchase of stolen property are as follows:

- Where was the property purchased?
- When was it purchased?
- How much was paid for the property?.
- How was payment made (cash, check, installment contract, etc.)?
- Is there any record of the sale (receipt, cancelled check, etc.)?

Information about the seller of stolen property is also important. Questions that might be asked include:

- From whom was the property purchased (name and address, if possible)?
- What business, if any, did the seller represent?
- Did the seller offer any other merchandise to the purchaser, and if so, what kind(s) of merchandise?

- Had the purchaser (possessor) done business with the seller before, and if so, what kind of business?
- How did the possessor come into contact with or hear about the seller?
- If the possessor wanted to contact the seller now, how would that be accomplished?

Finally, some information about the person in possession of stolen property should be gathered. It is possible that this information would not be used, but should further contact with the possessor become necessary, questions such as these would be helpful:

- What are the possessor's full name, home and business addresses, and telephone numbers?
- What is the possessor's occupation or business?
- Where was the stolen property located--at the possessor's home or place of business?
- How did the possessor use the stolen property (for business or for personal use)?

As mentioned above, the particular questions to be asked the possessor of stolen property may vary depending upon the circumstances surrounding the lead, or the attitude of the possessor. However, the general thrust of all interviews will remain constant: the interview of the current possessor will probe for information concerning the sources of stolen property and the transactions between the buyer and seller of stolen property. If the possessor provides information that indicates an awareness of the stolen character of the property (e.g., purchasing the goods for cash at a price well below the market value), then the interview may also probe deeply into the possessor's culpability. Even if the possessor appears innocent, every effort should be made to gather detailed information about the seller of stolen property and the purchase

transaction. Then, even if the possessor is unable to provide information that leads to a case against the fence or other party who sold the property to the possessor, the investigator will obtain general information about the transfer of stolen property that may become useful in later investigations. At a minimum the interview will, therefore: (1) increase the understanding of trafficking patterns of stolen property; (2) assist in the identification of active fences and thieves; and (3) result in the recovery of stolen goods.

IV. CASE PREPARATION AND DISPOSTION OF STOLEN PROPERTY

Following the field interview, the first order of business is logging in and labeling the property recovered in the field investigation. Second, the recovered item(s) should be checked against the automated property system. Then, the information collected during the field investigation should be reviewed, and a decision made about proceeding with further investigative work, or closing the case, and finalizing the disposition of recovered property.

If the interview of the possessor suggested culpability on the part of the possessor, or if the possessor provided solid leads as to a distributor of stolen property, fence, or thief, further investigative work and case preparation are in order. The investigator's judgment is critical here, and possibly consultation with a local prosecutor would be helpful. Whether or not this lead warrants further investigation, disposition of the recovered stolen property should be finalized.

Investigators making recoveries under the California pilot project and its national extension found that most theft victims (or their insurers, if the insurer had paid a claim and therefore held rightful

title to the stolen property) were delighted to pay any transportation costs necessary for the return of their stolen property. In most cases, recovered stolen property can be returned to the rightful owner of that property at minimal or no expense to the law enforcement agency. In order to dispose of the stolen property, however, it may be necessary to recheck the original theft report, as well as to contact the theft victim and/or the victim's insurance company, in order to identify and locate the rightful owner of the property. The amount of effort necessary at this point will depend, at least in part, on the level of planning for the disposition of stolen property that was done prior to the field investigation and recovery.

Should it be impossible to locate the theft victim by telephone or mail, the recovered property may be treated as any other piece of unclaimed, recovered stolen property. Before disposing of the property, however, any recovered item(s) that may be needed as evidence in a later trial should be documented, photographed, or possibly retained in order to satisfy the applicable rules of evidence.

V. SUMMARY

The field investigation and follow-up of hits generated by the match technique (repair records analysis) involve four basic steps: verification of hits, follow-up on leads, the field visit and recovery of stolen property, and case preparation and disposition of stolen property. Each of the steps discussed above is outlined below:

1. Verify hits
    a. Request copy of original crime report.
    b. Request copy of repair invoice.

c. Verify match of equipment description, model number, and serial number.

d. Verify date of theft and date of repairs.

e. Generate list of leads, eliminating erroneous hits.

2. Follow-up on Leads

a. Double check equipment model and serial numbers on original crime report and repair invoice.

b. Check current location of repaired property with appropriate repair office or branch.

c. Check names and addresses of theft victim and person in possession of repair property.

d. If the possessor of repaired property is located in another jurisdiction, contact appropriate law enforcement agency for assistance in recovering stolen property.

e. Plan for field visit

- Assess cooperativeness of possessor.
- Assess need for search warrant (and consult with local prosecutor if necessary).
- Develop (or review) interview protocol for debriefing possessor of stolen property.
- Plan for disposition of stolen property.

3. Conduct Field Visit and Recover Stolen Property

a. Check description, model number, and serial number of repaired item(s) and all similar items on the premises against stolen property files.

b. Interview the possessor of stolen property.

- Determine the nature of the purchase transaction.
- Gather information about the seller of stolen property.
- Gather information about the possessor of stolen property.

c. Recover (seize) any and all stolen items on the premises.

4. Conduct Field Visit to Location of Seller (where appropriate)

   Follow steps in 2 e and 3 a, b, and c above.

5. Case Preparation and Disposition of Stolen Property

   a. Log in recovered item(s) in property room.

   b. Check recovered item(s) against automated stolen property file.

   c. Review file and assess merits of proceeding with further investigation and/or prosecution (consult with local prosecutor if necessary).

   d. Finalize the disposition of recovered, stolen property.

CHAPTER IV

MANAGING THE REPAIR RECORDS ANALYSIS PROGRAM: RECORD-KEEPING AND PROGRAM EVALUATION

Like any new enforcement program, a repair records analysis program requires a careful review of agency record-keeping procedures. Record-keeping is important from two standpoints. First, as a case management tool, good record-keeping increases the efficiency of a program by assuring that neither leads nor investigations will flounder during the process of establishing a new program. Second, as an evaluative tool, good record-keeping permits an agency to accurately (and easily) document the achievements of the new program, and to weigh the costs of the program against its ensuing benefits.

Each agency will want to tailor its record-keeping system to the specific enforcement objectives of its dynamic property crimes enforcement mission. It is not expected, therefore, that an agency would necessarily adopt the particular procedures discussed below, most of which were developed during the California pilot and subsequent national repair records analysis programs. Rather, the discussion of these procedures is intended to illustrate one approach to repair records analysis record-keeping, and to outline some of the issues that might be addressed by every record-keeping system associated with repair records analysis programs.

350-472 0 - 81 - 7

The record-keeping associated with a repair records analysis program can be thought of as having three components. The first component keeps track of all hits, leads, and investigations--and assures that every possible lead is developed and pursued. The second component records descriptions of the results of all field visits, including tallies of the value of all recovered stolen property--and provides a clear statement of the program's achievements. The third component collects information concerning the sources and movement patterns of stolen property--and increases the agency's intelligence information concerning property crimes activities and suspects.

I. TRACKING HITS, LEADS, AND INVESTIGATIONS

Once a list of hits is generated using the match technique, it is necessary to keep track of those hits, and to assure that each hit is verified. The verified hits, or leads, must be tracked until the investigation of the lead is closed. Whether an agency uses a log, index cards, or some other filing system, this record-keeping should provide the agency with a system that minimizes the likelihood of: (1) overlooking any hits, leads, and investigations; and (2) duplicating its efforts (e.g., verifying the same hit twice).

Some investigators working on the national repair records analysis program found that an index card filing system effectively served these record-keeping purposes. Such a filing system would have four sections: New Hits, Bad Hits, Leads, and Investigations Closed. A card for each hit describes the property identified by the hit. Upon verification of hits, the results of the verification are noted on the cards. Bad hits are moved to the "Bad Hit" section of the filing drawer. The good hits

become leads, and are moved to the "Lead" section of the filing drawer. When the investigation is closed, the nature of the closing (e.g., bad lead or hit--no field visit made; field visit made--property recovered; etc.) is noted on the card, and the card is moved to the "Closed" section of the file drawer. At any point in time, this system provides an easy check on:

- Total number of hits to be verified.
- Bad hits.
- Good hits, or leads, to be investigated.
- Closed investigations.

The system therefore serves a critical, case-tracking function that is an essential component of any repair records analysis record-keeping system.

The particular system chosen for tracking hits, leads, and investigations will depend upon agency preferences and internal record-keeping practices. It is important to remember, however, that this case tracking function must be augmented by a more detailed record-keeping system.

Verification of hits requires checking the original crime report and repair/service invoice. Since the hits generated by the match technique frequently involve old, inactive theft cases, it is particularly important to log information from the crime reports and to retain that information. This information will establish probable cause and serve as the foundation for search warrants, investigations, and other subsequent legal or enforcement actions. Therefore, a file should be established to contain the information used in verifying each hit. A standard form can be used to log the pertinent information from the theft report and repair

invoice. Then, should the theft report or repair invoice need to be removed from the file for any reason (e.g., to return the theft report to central records), needed information will continue to be readily available to the repair records analysis program personnel. A coding form has the additional advantage of facilitating automation of the record-keeping system should the agency decide to do so.

The Internal Coding Form developed for use by the California Department of Justice in the national repair records analysis program is found in Appendix A. While this form was specifically designed for stolen office equipment, it illustrates the type of information that should be on file:

- A description of the stolen property.
- A summary of information taken from the original theft report (including the agency responding to the complaint, case number, date of theft, name and type of victim, place of theft, value of stolen property, crime classification, results of investigation, and status of case).
- A summary of information taken from the repair invoice (including dealer/service branch or outlet, invoice number, name and address of customer, date of repair, and person authorizing repairs).

II. TRACKING THE RESULTS OF THE PROGRAM

To aid in evaluating the new repair records analysis program, the results of all field investigations should also be tracked. A separate log, index card, or other filing system can be used in much the same way that the system for tracking hits, leads, and investigations is used. Then, at any point in time, the agency can determine the number of cases closed, volume and value of stolen property recovered; arrests,

indictments, and prosecutions made as a result of the program; and any other evaluative information the agency desires.

In addition to this summary record-keeping, field investigation reports should be maintained in the program's record-keeping system. The files created while verifying hits (i.e., the files containing information from or copies of original theft reports and repair invoices) can be used to store the field investigation reports. A standard reporting form for officers conducting field visits is extremely useful for several reasons. First, it can guide officers in the conduct of the site visit by detailing the information required by the program. This is particularly helpful when officers from an outside agency are conducting the field visits and recovering property for the program. Second, it assures the agency that basic information concerning the stolen property will be collected and on file--including a description of the results of the investigation. Finally, carefully constructed field investigation report forms can easily be entered into a computerized filing system, should the agency choose to automate its record-keeping system.

Appendix C contains a copy of the Property Recovery Investigation Report form developed for use in the national repair records analysis program. This form was also designed for stolen office equipment, but it illustrates the kind of information that is useful in evaluating the results of the program: type and location of stolen property; date of field visit; date property was purchased; amount paid for the property; and how and from whom the property was purchased. The importance of this information cannot be overemphasized. Not only does it greatly facilitate program evaluation, but it is also on the basis of this

information that decisions will be made about the culpability of the possessor of stolen property; about the likelihood of locating other stolen property, the fence, or thief; and about the advisability of pursuing the matter through further investigation and/or arrest and prosecution.

III. TRACKING THE MOVEMENT OF STOLEN PROPERTY

The investigation report form contained in Appendix C calls for a large amount of information concerning the sources for, and acquisition of, stolen property. Collecting this kind of information adds to the existing understanding and knowledge of trafficking patterns in stolen property. Since the dynamic property crimes enforcement mission requires a totally new approach to property crimes enforcement, satisfying an agency's new objectives and policies will undoubtedly require this type of "research" via record-keeping. It is necessary to increase the available amount of intelligence information about property crimes in order to effectively increase an agency's ability to preserve the evidentiary trail in property crimes cases, to maximize the points at which enforcement intervention occurs, and to increase the capacity to recover stolen goods.

The level and type of analyses to which this information is subjected will depend upon an agency's particular enforcement or program objectives. However, most agencies' repair records analysis programs will involve procedures for collecting this kind of information.

IV. SUMMARY

Record-keeping procedures should be established at the outset of a repair records analysis program to increase the efficiency of program

operation and to facilitate program evaluation. These procedures should address both the needs for summary information and for more detailed records.

First, in order to track hits, leads, and investigations, a summary record-keeping system is required to assure that no leads are overlooked and that duplication of efforts is avoided. Second, a more detailed filing system is required to store the information used to verify hits (contained in original theft reports and repair invoices). This will prevent the need for requesting duplicate information at a later point, and it will be required as the basis for any subsequent enforcement and legal actions.

Likewise, a summary record-keeping system can be used to tally the results of investigative work. Depending on the scope of the program, enforcement objectives, and the type of program evaluation the agency wishes to conduct, this system can cover as much information as an agency desires. While the log of hits, leads, and investigations does provide one measure of program activity, it is the results of investigations that best characterize the program's achievements (e.g., amount and dollar value of property recovered). The summary system tallying investigative results, therefore, should be designed to meet the agency's program-evaluation needs. Additionally, details of the field investigation should be recorded and filed. This information provides the basis for the summary, investigative results system, and for decisions concerning follow-on investigative and/or prosecutive work. Finally, to further program objectives by increasing available intelligence information concerning property crimes activities and

suspects, information concerning the trafficking patterns of stolen property should also be recorded.

Standard coding or reporting forms can be used to record: (1) verifying information taken from theft reports; and (2) information collected during field investigations (describing the investigation, its results, and the purchase/acquisition of stolen property). Such forms can facilitate program operation, record-keeping, and automation of the record-keeping system if this should be desired.

CHAPTER V

REPAIR RECORDS ANALYSIS AND THE LAW

The preceding chapters have included discussions of legal issues pertinent to a repair records analysis program. Underlying the dynamic property crimes enforcement effort embodied in a repair records analysis program, however, are some basic legal issues concerning property ownership and protections afforded property owners. A repair records analysis program also raises some specific legal questions regarding culpability, the rightful possession of property, and probable cause. In order to clarify these legal issues and to place repair records analysis (and dynamic property crimes enforcement) in better perspective, the legal issues surrounding the use of repair records analysis techniques are discussed below.

I. REPAIR RECORDS ANALYSIS AND THE LAW: SOME SPECIFIC LEGAL QUESTIONS

Three issues are of particular relevance to a repair records analysis program. First, the culpability of persons in possession of stolen property is a question of concern during the investigation of every lead generated by repair records analysis. Second, questions often arise concerning who rightfully owns the stolen property identified by this investigative strategy. Third, the bases for law enforcement intervention initiated by a repair records analysis program are pertinent to all investigations undertaken as a result of the program.

A. Culpability of the Possessor of Stolen Property

Many possessors of stolen property are not culpable--having neither knowledge nor a basis for knowledge of the stolen character of the property they possess. However, pursuing leads developed either by the match technique or in the course of field interviews with individuals in possession of stolen goods will bring law enforcement officers into contact with the following types of people:

- The thief or thieves who originally stole the property.
- A criminal receiver of stolen goods (fence) operating openly.
- A criminal receiver of stolen goods (fence) operating through a legitimate business.
- A culpable purchaser from any of the above.
- An innocent purchaser from any of the above.

Since the proof required to show culpability on the part of a possessor varies from jurisdiction to jurisdiction, a clear understanding of applicable law concerning receiving and/or possessing stolen property is essential for an agency adopting a repair records analysis program. In general, however, possessors of stolen property are culpable (and can be proven culpable) only if they know that the property in their possession is stolen.

B. Rightful Possession of Stolen Property

When property is stolen, no one but the theft victim or the victim's agent can acquire a lawful interest in that property.[16] The

---

[16]See R. A. Brown, The Law of Personal Property, 3d ed. by W. Raushenbush (Chicago: Calloghan & Co., 1975); W. D. Hawkland, Sales and Bulk Sales, 3d ed. (Philadelphia: ALI-ABA Committee on Continuing Professional Education, 1976).

rights of a person deprived of property by a forceful taking cannot be severed by a thief or a successor to the thief.[17] Even a purchaser who is unaware that property is stolen and therefore innocently assumes possession of stolen property has no right to retain that property. A law enforcement officer who identifies stolen property in the possession of someone other than the theft victim can lawfully seize that property without compensating the possessor. The innocent purchaser or possessor of stolen property can seek compensation, if at all, from the seller of that property.

In effect, the identification of stolen property permits a law enforcement officer to exert the property rights of the theft victim over the rights of the possessor of stolen property. Since the property rights of the theft victim outweigh the interests of even an innocent possessor of stolen property, there should be no question in a law enforcement officer's mind about his or her right to seize any and all stolen property in the possession of someone other than the theft victim.

C. Bases for Intervention: Probable Cause

Most final consumers, or possessors, of stolen property will cooperate with law enforcement officers, including consenting to a search for stolen property. Thus, search warrants are not always required to investigate leads generated by the match technique. However, repair records analysis techniques can provide probable cause for a warrant to search the premises of persons currently in possession of stolen property as well as of persons who previously possessed the stolen property. In

---

[17]Should an insurer compensate the theft victim for his or her loss, the insurer may assume the victim's ownership interests, however.

verifying hits, investigative personnel should obtain copies of the original theft report and repair invoice. The theft report documents the original crime and the stolen character of property identified by the lead. The repair invoice, which will very likely contain the signature of the person in possession of stolen property, attests to the current location and the possessor of the stolen property. Taken together, the theft report and repair invoice provide sufficient evidence to obtain a warrant to search the premises of the possessor for: (1) stolen property, and (2) records pertaining to the acquisition of that property.

Any records or documentation concerning the purchase of stolen property are significant, and within the scope of a reasonable search, for two reasons. First, they will bear upon the culpability of the possessor of stolen property. If the property was acquired under highly unusual circumstances, for an unusually low price, or from a culpable thief or fence, documentation concerning the acquisition of stolen property may demonstrate (or help demonstrate) the possessor's culpability. Second, even if the purchase records contain no evidence in support of the possessor's culpability, the records can be expected to lead to a culpable party, either directly or indirectly. Thus, at a minimum, records pertaining to the acquisition of stolen property will point to other potentially culpable individual(s), and provide the probable cause necessary to obtain a warrant to search the premises of those who previously possessed the stolen property.

The person from whom stolen property was acquired, like the current possessor of that property, may be culpable (i.e., a thief; a criminal receiver of stolen goods or fence; a knowledgeable and culpable purchaser

who acquired the stolen property from a thief or fence) or innocent (i.e., an unknowing purchaser who acquired the property from a thief, fence, or culpable purchaser of the stolen property). However, the original crime reports, repair invoice, and documentation seized during the search of the current possessor's premises, should provide sufficient grounds for a search of the former possessor's premises.

Similarly, if the search of the former possessor's premises for additional stolen property and for records concerning the acquisition and sale of stolen property implicates additional parties, the evidence gleaned during this search will provide the basis for further search warrants and investigative activities. An investigator can and should expect, by peeling back the layers of successive purchase transactions, to discover culpability for theft and/or for receiving the stolen property. While there may exist only one or several transfers of stolen property, each transaction involving stolen property should be investigated until the culpable parties are identified.

Local laws and practices will affect the scope of permissible searches, as well as the evidence and arguments necessary to demonstrate probable cause. There exist, however, at least three theories that may be used to argue probable cause:

- Receiving Stolen Property - the individual whose premises are to be searched appears to be involved in the criminal receipt, possession, and/or sale of stolen property.
- Hindering Apprehension or Prosecution - the individual whose premises are to be searched has, through apparent involvement in property crimes, hindered enforcement efforts to investigate property crimes, and apprehend and prosecute culpable parties involved in those crimes.
- Aiding and Abetting - the individual whose premises are to be searched appears to have aided or abetted a criminal act.

The evidence being used to support the request for a search warrant and the requirements for demonstrating probable cause within the jurisdiction will suggest what argument for probable cause should be put forth. Regardless of the specific evidence or arguments used in favor of probable cause, it is essential that every search warrant provide for the search for both stolen property and all records pertaining to that property, its acquisition, and sale. As noted above, documentation of the acquisition and/or sale of stolen property is necessary to assert probable cause for subsequent searches. Such documentation also provides evidence as to the culpability of the party under investigation. The stolen property provides further evidence of the original theft and of the possible culpability of the party in possession of that property. The seizure of stolen property also permits the law enforcement agency to return that property to its rightful owners.

Investigators participating in the national office equipment repair records analysis program reported very different experiences with the use of search warrants to pursue leads developed by the program. In some cases, local practice made it impossible to obtain warrants to search the premises of parties currently in possession of stolen goods. The difficulty, however, was not a function of inadequate investigative techniques or problems inherent in repair records analysis (which could make the leads and supporting evidence appear unreliable or legally unsound). Rather, search warrants were difficult to obtain because local practices and procedures precluded the issuance of warrants to pursue cases involving thefts that took place some months previously, and that

often occurred several years past. As noted earlier,[18] this situation did not deter enforcement efforts. Since many possessors of stolen property will consent to a search of their premises, search warrants are not always necessary to investigate the lead(s) generated by repair records analysis. Nevertheless, particularly when pursuing the leads developed during interviews with possessors and searches of their premises, it may be necessary to amass numerous pieces of evidence (from a number of different possessors) or to augment the leads with more timely evidence in order to satisfactorily demonstrate probable cause.

II. LEGAL ISSUES UNDERLYING A DYNAMIC PROPERTY CRIMES ENFORCEMENT EFFORT

A repair records analysis program seeks to identify and locate stolen property and, at a minimum, to return that property to its rightful owner. Therefore, the program serves to promote the rights of individuals to securely own and retain their property. As such, adoption of a repair records analysis program implies an endorsement of the value of secure property ownership. It is possible to strengthen this commitment to secure property ownership by means of legislation, as well as by adopting a repair records analysis program designed to effectively move against property crimes.

During the past several years, the state of California has, by enacting several new laws, substantially bolstered the rights of individuals to securely own and keep their property. Requiring permanently affixed serial numbers on all property sold within California and valued at $50 or more provides a vehicle for identifying property

---

[18]See pp. 32 to 33, above.

that, because it is mass produced, could not otherwise be linked to its owner(s).[19] Imposing reporting requirements on second-hand dealers and office equipment dealers provides a mechanism for tracing and recovering identifiable property that has been stolen.[20] Providing theft victims with the means to recover their (stolen) property when that property is in the possession of second-hand dealers also promotes the interests of property owners.[21] Such legislative efforts to protect private property owners simultaneously increase property crimes enforcement capabilities. The commitment to secure property ownership not only protects property owners but also benefits law enforcement.

Other avenues might also be employed to further the identification and protection of property. For exmple, legislation requiring that property owners maintain records of the serial numbers of their manufactured property as a condition of insurance coverage would facilitate property identification. Similarly, requiring manufacturers to maintain records of warranty cards (containing the name and address of the purchaser of property as well as the property's serial number and description) would ease property identification. However, legislation of this kind has not been enacted in any state, perhaps because of the privacy issues that may be raised by such legislation. In a society that values privacy as well as secure property ownership, privacy issues may conflict or compete with mechanisms that would optimize the capacity to

---

[19]California Business and Professions Code, Section 22410.

[20]California Business and Professons Code, Sections 21625, 216285; Finance Code, Section 21208.

[21]California Penal Code, Sections 496, 1413.

protect and enforce ownership rights. Legislation that calls for permanent serial numbers on property, reporting by second-hand dealers, and the return of stolen property to its lawful owners does not appear to impinge unduly on citizens' privacy. Thus, the approach taken in California offers an example of what can be done now to effectively protect the right to own and retain personal property. In combination with a dynamic property crimes enforcement effort, such legislation promises to effectively serve the interests of private property ownership.

III. SUMMARY

A repair records analysis program operates well within the bounds of law. While many of the possessors of stolen property identified by the match technique will be innocent, this enforcement technique will also identify culpable parties. In fact, the technique should be expected to eventually lead to evidence of culpability for theft or for possessing stolen property. An understanding of applicable theft and possessing stolen property laws will assist a law enforcement officer in recognizing and apprehending culpable individuals, in enforcing property crimes generally, and in recovering stolen property. Furthermore, property laws clearly recognize the theft victim (or the victim's agent) as the only rightful owner of stolen property, and repair records analysis techniques can be used to demonstrate probable cause for warrants to search the premises of current or former possessors of stolen property. While the scope of a permissible search and the procedures for obtaining search warrants depend, at least in part, on local laws and practices, investigators should, at a minimum, pursue stolen property and records pertaining to the acquisition and/or sale of that property. There should

be no doubt that law enforcement officers have the right to pursue investigative leads developed in the course of a repair records analysis program, to question parties currently or formerly in possession of stolen property, to seize stolen property, and to seize records describing the acquisition or sale of stolen property.

Underlying a repair records analysis program is a commitment to protect the rightful owners of personal property. A repair records analysis program can be strengthened, and the efficacy of the protections provided property owners enhanced, by means of legislation facilitating the identification of (stolen) property. The benefits of such legislation must be weighed against the possible costs, particularly in terms of privacy issues. However, legislation recently enacted in the state of California demonstrates the level of effectiveness that can be achieved by legislation designed to promote individuals' rights to secure property ownership. By virtue of such legislation, benefits accrue not only to individual property owners, but also to law enforcement agencies committed to dynamic property crimes enforcement. Nevertheless, a dynamic property crimes enforcement program, in its own right, serves to protect property owners' rights and to promote the societal values represented by these rights.

CHAPTER VI

IMPLEMENTING REPAIR RECORDS ANALYSIS PROPERTY CRIMES ENFORCEMENT PROGRAMS

The techniques involved in operating a repair records analysis program are straightforward. While the program calls for a new use of law enforcement resources, it relies upon existing law enforcement tools and capabilities. The preceding chapters, which described the steps involved in conducting a repair records analysis property recovery program, have identified procedures for avoiding pitfalls that may arise in the course of program operation, such as problems resulting from an error in repair records or from inadequate record-keeping procedures. These chapters suggest that careful planning will avert many problems and maximize the potential of the property recovery program. Likewise, careful planning will lay the groundwork for and facilitate implementation of the program.

Successful implementation of a repair records analysis property recovery program requires the cooperation and commitment of a variety of individuals involved in law enforcement: administrative or management personnel, field officers and investigators, support services including programmers and data processors, personnel involved in entry of information to and maintenance of automated stolen property systems, prosecutors, and officers in outside law enforcement agencies.

Additionally, the cooperation of individuals involved in the manufacture, repair, and servicing of equipment targeted by this program is crucial to the implementation and operation of the program. The diversity of people who contribute to this dynamic property crimes enforcement effort underscores the importance of establishing appropriate procedures for program implementation and operation. In order to coordinate the efforts of those involved and to secure their cooperation and commitment, barriers to this innovative property recovery program must be overcome. Departmental policy should be reexamined and probably redirected. Current utilization of resources should be reviewed, and possibly reallocated. Finally, good working relationships should be established with private sector manufacturers, repair or service outlets, and with other law enforcement agencies.

I. BARRIERS TO EFFECTIVE PROPERTY RECOVERY STRATEGIES

While the advantages of a dynamic approach to property crimes enforcement are compelling, significant barriers to adopting such an approach are likely to exist within an agency. Some barriers are organizational in nature, while others are related to the philosophy and outlook of the personnel that may be asked to implement new policies and procedures. Regardless of their origin, however, it is important that barriers be recognized and confronted directly rather than allowed to undermine an otherwise sound enforcement program. Three major barriers that may affect an agency's adoption of an innovative property crimes policy are discussed below. While these are likely to be barriers confronted by many agencies, they should be regarded as illustrative

rather than exhaustive of the kinds of stumbling blocks that may hamper a dynamic enforcement mission.

A. Competing Priorities in Contemporary Law Enforcement

Perhaps the single most significant barrier to an agency's implementation of a dynamic property crimes enforcement program is the past history and track record of its traditional theft enforcement mission. This mission is often characterized by a lack of accomplishment and by the kind of self-fulfilling prophecy of defeat noted in Chapter I. Because of this, theft investigation is likely to be held in low esteem within the agency, and assignment to the property crimes mission may not be viewed positively by agency personnel. This is despite the fact that: (1) property crimes constitute an agency's number one crime control responsibility in terms of frequency and work load; (2) property crimes are likely to be the one crime area with which the public best identifies and most critically assesses an agency's performance; and (3) theft cases represent the most difficult and challenging type of investigation confronting contemporary law enforcement.

The contrast between the importance and challenge of the property crimes mission and the low regard in which it may be held can have a significant impact on attempts to revitalize a theft enforcement program. It may mean, for example, that without the firm commitment of agency policymakers, new policies and procedures will have difficulty competing for agency resources and attention. It may also mean that theft units will have difficulty attracting the most talented and qualified personnel to implement innovative strategies. Without adequate resources or the best personnel, new strategies showing great promise may fail to meet

their objectives, thereby introducing a new cycle of defeatism in the property crimes mission.

Before undertaking a repair records analysis program an agency should assess its competing priorities and determine where the property crimes mission fits in that priority structure. Next, an explicit statement should be made of what priority the agency attaches to the property crimes mission, the expectations the agency administrator has for that mission, and the goals sought through any new policies or procedures that are to be implemented. Finally, steps should be taken to ensure that agency resources committed to the property crimes mission are consistent with its explicitly stated goals and objectives.

B. Training Investigators to Utilize New Sources of Investigative Leads

As noted earlier, the technology of theft investigation has remained virtually unchanged for many years. For this reason unless a retraining program for theft investigators is instituted, an agency may encounter barriers to the implementation of truly innovative property crimes strategies. Optimally, adoption of the dynamic approach to property crimes enforcement should result in a thorough retraining and reorientation program for both uniformed and plainclothes divisions of the agency. Where this is not feasible, at least some retraining should be undertaken with personnel specifically assigned to the property crimes mission.

In particular, it will be necessary to redefine the role(s) of theft investigators and reorient thinking away from thief-centered approaches and toward the evidentiary trail and property recovery strategies. A critical element in this retraining process is to instill a high degree

of property sensitivity in investigators. What must be clearly understood is that STOLEN PROPERTY IS THE ILLEGAL FRUITS OF CRIME when discovered in the possession of anyone but the true and lawful owner. As such, stolen goods should be given the same level of attention and concern accorded contraband items with which investigators frequently come into contact, e.g., controlled substances or illicit gambling devices. Similarly, those individuals found in possession or control of stolen goods should be regarded with the same degree of suspicion and should be viewed as having the same level of potential culpability as possessors of other types of illegal or contraband items. In addition because identification of stolen items is the key to reconstructing the evidentiary trail, theft investigators should be thoroughly trained in property identification techniques. Since the repair records analysis involves the use of automated systems, investigators should also be trained to utilize these systems in an optimal fashion.

It is important that investigators develop the capacity to begin an investigation wherever and whenever the evidentiary trail is reestablished, rather than always beginning with the original crime scene and the suspected burglar. To do so, they will need to learn how to utilize investigative leads that have been generated through a repair records analysis program and how to put together the pieces of a property crime regardless of where the investigation begins. The dynamic approach will frequently put experienced investigators in totally different investigative situations than they have confronted before. Their diffidence and/or reluctance to proceed in novel situations should be

recognized, and strategies to overcome such reactions should be built into the training program.

If a training program is planned for uniformed officers, it should, at a minimum, include an orientation to the agency's redefined property crimes mission; training in the use of new reporting forms or procedures (if these are planned) to be used in the taking of theft reports; and communication of the importance of gathering identifying information for stolen items at the original crime scene. In addition, a review should be conducted of the property crimes portion of the agency's basic training academy program for new officers to assure that the program presented there is consistent with the agency's redefined property crime enforcement goals.

C. Overcoming Investigator Intimidation in Dynamic Property Crimes Investigations

Another potential stumbling block to an agency's implementation of an innovative theft enforcement program relates to the degree of self-confidence agency personnel have in carrying out new policies. While self-confidence may be linked to the training issues noted above, even the most thoroughly trained investigator can demonstrate a lack of confidence when placed in totally new investigative situations. In the California pilot repair analysis program, for example, it was found that a sizeable number of field investigations stimulated by the program were not fruitfully pursued because of a high level of diffidence, and in some cases intimidation, on the part of investigators when confronting final possessors of stolen items in business and professional settings. Many investigators seemed to be quite uncertain, first, about how insistent they should be in debriefing current possessors concerning the

circumstances surrounding their acquisition of stolen items, and, second, about how supportive their agencies would be should they staunchly pursue the leads they were given.

Because a dynamic theft enforcement program is likely to place investigators in novel investigative settings and in contact with persons whose culpability may be questionable and who are not normally confronted in a property crime investigation, careful consideration should be given to arming investigators with sufficient information about their legal rights and duties in property crimes investigations so they can carry out such investigations confidently. In particular, arrangements should be made with the local or other prosecutive authority or with in-house legal counsel to brief personnel assigned to the property crimes mission on the actions they are required to take, those they can properly take, and the legal processes they can appropriately invoke to assist their investigations. Such a briefing should include procedures for seizing property items, for obtaining search warrants, and for questioning the various kinds of persons who may be found in possession of stolen goods. Too often state statutes specify a law enforcement officer's duties and responsibilities for recovering stolen items incident to an arrest, but do not make clear what those same duties and responsibilities may be when a seizure is accomplished pursuant to an investigation. Such unresolved issues can leave investigators confused and uncertain and can seriously undermine their performance.

Finally, investigators should be given every assurance that the actions they take in good faith will be fully supported by the agency. Thus, if a possessor of stolen goods threatens suit for an investigator's

seizure of such items, the investigator should not be isolated, but rather should feel that he or she is being backed by the agency. Similarly, the agency should not be viewed as varying its resolve in property crimes investigations depending upon where the evidentiary trail leads. Once the objectives and purposes of the property crimes mission are stated, there must be no retreat from them, nor should there be an unwillingness to deal with the "problems" that may arise when that mission is carried out. Only when armed with a clear understanding of their legal rights and duties and with the assurance of firm agency support can investigators be expected to confidently and successfully implement a dynamic theft enforcement program.

II. ESTABLISHING POLICIES THAT SUPPORT DYNAMIC PROPERTY RECOVERY APPROACHES

The policymaker can greatly assist the implementation process to the extent that the goals of the redefined property crimes mission are clearly articulated, understood, and communicated to agency personnel. In order for this to occur, several principles flowing from the dynamic approach to property crimes enforcement should be kept in mind. These principles are:

- that stolen property in the possession of anyone but its true and lawful owner constitutes the illegal fruit of crime and should be regarded as such by agency personnel;
- that establishment and pursuit of the evidentiary trail of a stolen property item is the key to an effective property crimes enforcement program; and
- that successful intervention in a property crime is dependent not so much on the point at which intervention occurs but rather on the degree to which that intervention results first, in recovery of the fruits of the crime (the stolen goods); and second, in establishment of the culpability of person(s)

involved in the theft and/or redistribution of the stolen property.

Acceptance and understanding of these principles can aid the agency administrator in clearly specifying the objectives of the agency's newly defined property crimes mission. It is particularly important that these objectives be articulated in such a way that agency personnel will have a clear idea both of what is expected of them as individuals, and of what results are anticipated by the agency from adoption of new enforcement policies. While agencies will undoubtedly want to set their own objectives, some suggestions consistent with the dynamic approach to property crimes enforcement are provided below. As each objective is stated, the information it conveys is also discussed.

Objective #1: To maximize the points at which enforcement intervention takes place in property crimes investigations.

This objective is useful because it tells agency personnel that the new enforcement mission defines crime scenes and crime targets that go far beyond the original site of the theft and the person of the thief as relevant to implementation of agency policy. Similarly, it shows that the agency expects investigative focus to extend to fences of stolen goods and to others (final consumers of stolen property, for example) who may be involved in the redistribution process. With this information, personnel are assured that innovative investigative activities relating to such persons will be favorably viewed by the agency. At the same time, the agency will have made it clear that continued pursuit of traditional strategies offering little enforcement payoff will no longer be encouraged.

Objective #2: To maximize the potential for establishing the evidentiary trail in property crimes cases.

Here the agency goes on record making clear the importance of property identification and record keeping systems. Agency personnel are alerted through this objective to the premium placed upon the use of existing identification systems and upon encouraging property owners to maintain adequate records of their property items. Uniformed officers in particular should receive a clear signal from this objective that recording identifying information in taking an original theft report is of prime importance in achieving agency objectives in the property crimes area.

Objective #3: To maximize the agency's capacity to recover stolen goods.

With this objective, the agency communicates the importance it places on property recovery as a key element in the property crimes enforcement mission. It also tells agency personnel that "Following the Property" should be a major principle guiding their investigative activities. When a high degree of property sensitivity is conveyed to agency personnel, the agency will be well on its way to achieving the benefits of a dynamic theft enforcement program.

These objectives are only intended to be illustrative, but whatever objectives are chosen, they should combine an expression of first, what the agency hopes to accomplish; and second, what individual officers can do to assist the agency in accomplishing its property crimes enforcement mission. If this is done, much of the current confusion in this enforcement area can be reduced and the potential for success promised by the dynamic approach will have a much better chance of being realized.

Finally, at many points in the preceding pages the advantages of the dynamic approach to the property crimes enforcement mission both to the agency and to the public it serves have been described. Similarly the importance of the agency's responsibilities in the property crimes area and the visibility of these responsibilities have been stressed. Nevertheless, it is clear that law enforcement agencies face many pressures for performance in other crime areas as well. Thus, agency administrators must carefully balance the advantages of a dynamic theft enforcement program against the energy and efforts that will be necessary to successfully implement such a program. In doing so, one further thought should be kept in mind. Government at all levels currently faces a crisis of confidence on the part of the public. This crisis of confidence has been expressed particularly in moves to limit government spending and in demands for a showing of specific results from public expenditures. While law enforcement agencies have generally been insulated from such demands, this cannot be expected to continue.

As an agency reviews its current property crimes enforcement program the cost-effectiveness of that program should be considered. Similarly, as the relative benefits and difficulties of implementing a new enforcement program are weighed, cost-effectiveness considerations should enter into the decision-making process. If this is done, it will be clearly seen that traditional theft enforcement programs offer little to agency administrators in the way of cost-effectiveness justifications. The dynamic approach, on the other hand, with its emphasis on property identification and recovery, provides both a useful measure of cost-effective enforcement and the potential for successful performance. If

for no other reason, such an assessment should tip the balance in favor of adoption of the dynamic approach to the property crimes enforcement mission.

III. ORGANIZING RESOURCES FOR EFFECTIVE RECOVERY EFFORTS

Because preservation of the evidentiary trail through stolen property tracking and recovery is not the primary focus of traditional theft enforcement programs, an agency adopting a repair records analysis property recovery program will want to redirect existing resources and, possibly, to seek additional resources that will assist in achievement of its redefined mission. Three resource areas are of particular importance to a dynamic theft enforcement policy: (1) legal remedies and aids; (2) agency resources; and (3) public support and assistance. Each of these is discussed below.

A. Seeking Legal Remedies and Enforcement Aids

The capacity to uniquely identify and trace stolen property is of critical importance to preservation of the evidentiary trail. In recent years, however, there have been developments in the business sector which have the direct effect of hampering property crimes investigations. Some large retailers, for example, do not have unique serial numbers on much of the merchandise they sell. Similarly, some large manufacturers of consumer durables are currently moving toward the use of peel off, paper serial numbers. These developments are to be strenuously resisted.

Some states have found it necessary to enact legislation to require unique identifiers for property items, and have taken steps to assure some minimal record keeping that can aid stolen property retrieval. The

state of California, for example, has two provisions in its Business and Professions Code (Sections 22410 and 22411) which require, first, that all consumer items worth $50 or more have a unique serial number embossed on the item or permanently affixed to it; and, second, that at the time of purchase the consumer be given a card which contains the manufacturer's complete description of the item, including serial number. Such legislation can go far to ensure that theft victims will be able to provide law enforcement authorities with identifying information for serialized property stolen from them. Ideally, legislation requiring that property owners maintain adequate records of their property as a condition for insurance coverage would be of great assistance to law enforcement. While no state has yet succeeded in passing such legislation, it would seem possible that by consulting with leaders of the insurance industry a workable system for doing so could be developed. Such a system would both aid law enforcement and assist in protecting the insurance industry from insurance fraud.

Another kind of legislation that some jurisdictions have found to be valuable is that dealing with defaced or obliterated serial numbers. Section 537-E of the California Penal Code, for example, makes mere possession of an item with an obliterated serial number prima facie evidence of knowledge of its stolen character. Thus, even in instances where the evidentiary trail may be interrupted through defacement of identifying information on a property item, law enforcement authorities may still intervene and seek to impose a degree of culpability on the part of individuals involved in the theft and redistribution of stolen goods.

One final area in which legal assistance is generally needed for dynamic property crimes enforcement is in the appellate court review of existing case law and investigative strategies. The reason for this is that in many jurisdictions current case law and precedents in property theft cases, and especially in criminal receiving cases, are based on opinions rendered many years ago, when the situation confronting law enforcement was entirely different. A deliberate program of preparing test cases on specific points of law and/or particular investigative strategies for appellate review can be extremely important in shaping and setting the limits for a dynamic enforcement policy. Obviously such a program requires the assistance of a confident and interested prosecutive agency willing to break new ground and make new law in property crimes enforcement. While such activity may not be undertaken routinely by investigative and prosecutive agencies in many enforcement areas, it is strongly recommended here because of the unsettled state of case law in property crimes cases.

B. Mobilizing Agency Resources

Achievement of the objectives of a dynamic theft enforcement mission will require the redirection of existing agency resources. Some of the needed resources for dynamic theft enforcement were noted earlier. An agency should review in some detail, for example, currently available automated systems for maintenance of stolen property records. If such systems are not available in the jurisdiction itself, procedures for participation in statewide or national data systems should be undertaken. Even where an agency has in-house capability in this area, the system should be thoroughly reviewed to assure that: (1) it meets

investigative needs; (2) adequate attention has been given to resources and personnel for system upkeep and adding input to the file; and (3) investigators have access to relevant files or to personnel who can provide access, and have been trained to make optimal use of the system.

Personnel is another key resource necessary for a dynamic theft enforcement program. Because this approach expands the investigative targets and crime events seen as relevant to the property crimes mission, it requires either deployment of additional personnel, or new configurations in the work tasks of existing personnel. In this regard, if effective case screening mechanisms are not currently used by the department, it may be helpful to implement a case management system. This type of system can often assist an agency in determining what proportion of its theft reports require a traditional form of investigative response and which merit a response that looks beyond the original crime scene to the redistribution phase of the crime.[22] It is often found that only 10 to 20 percent of theft cases show promise of investigative payoff through traditional approaches, thereby freeing up the time of existing personnel to perform new functions that become important under the redefined property crimes mission. Case management systems, however, do have some shortcomings. Investigators have observed that, by seeing only those theft reports likely to provide investigative payoffs through traditional enforcement efforts, important

---

[22]See, e.g., John E. Eck, Managing Case Assignments: The Burglary Investigation Decision Model Replication (Washington, D.C.: Police Executive Research Forum, 1979).

patterns in thefts are sometimes never recognized. Thus, in some cases a case management system can hinder traditional enforcement efforts.

As an alternative to using case management systems to free some of the time of existing personnel, an agency may decide that the property crimes mission is important enough and the dynamic repair records analysis approach shows enough promise of success that additional personnel can and should be deployed in order to better achieve enforcement objectives. On the other hand, the agency may perceive the dynamic approach as warranting shifting some of the personnel assigned to traditional property crimes enforcement to the new program.

Several other kinds of agency personnel may be called upon to play a role in the repair records analysis program. First, to the extent that procedures at the original crime scene may be expanded or altered as part of a redefined enforcement mission, uniformed officers may see a restructuring of their jobs. This will, at a minimum, require orientation sessions for such personnel, and ideally should include a routine training program which would explain the objectives of the new procedures and assist officers in techniques for debriefing victims and preparing crime reports.

A second group of personnel that may be enlisted to aid the enforcement program are those in the community crime prevention (or similar) unit. Public support (as discussed below) is important to a dynamic theft enforcement policy, and units which currently take responsibility for administering block watch and operation-ID programs should also be asked to play a role in the new efforts of the agency. If

such a unit does not exist in a jurisdiction, its functions will need to be performed by other personnel.

Third, as mentioned above, personnel responsible for entering information into and maintaining the agency's automated stolen property system play a key role in repair records analysis programs. The tasks of generating hits, developing leads, and conducting field investigations are eased by an accurate, reliable automated property file. In order to maximize the accuracy of an automated stolen property file, procedures for maintaining the system and entering new information into the system should be reviewed. The agency must be confident that its system maintenance and entry personnel understand system procedures, as well as the importance of performing their jobs accurately and efficiently. A review training session, or an orientation to any new system procedures, as well as routine training for any new staff members, should be held. In addition to providing valuable training, these sessions will also serve to convey to system personnel the importance attached to the automated stolen property system by the agency's new dynamic property crimes enforcement mission.

A fourth group of personnel is also important to the repair records analysis program: data processors and programmers. If such personnel are not employed by the agency, the agency should establish contact with the municipal or county data processing facility and staff. Data processors and programmers will not only serve a critical role in carrying out repair records analyses (as discussed in Chapter II above), but they will also be able to provide assistance in designing forms and procedures for effecting repair records analyses. It is therefore

necessary to hold meetings with data processors and programmers to communicate the new dynamic property crimes enforcement mission, to cultivate their interest and commitment to the program, and to ensure that the program will be operated in a manner that will facilitate the critical functions that these people will perform in the course of the repair records analysis program operation.

Finally, an agency may wish to seek the assistance of prosecutors and possibly judges in developing guidelines (or standard forms) for asserting probable cause and obtaining search warrants on the basis of leads and evidence established by a repair records analysis program. Particularly in jurisdictions where a warrant would not ordinarily be issued for older cases, it may be necessary to meet with prosecutors and judges in an effort to sensitize them to the need for and value of search warrants in dynamic property crimes enforcement. These meetings have the added advantage of providing the agency with a clear picture as to when and under what circumstances a search warrant will be issued, as well as to what strategies can be employed to successfully demonstrate the requisite probable cause for actions taken as a result of repair records analysis program operation.

C. Mobilizing Public Support and Assistance

Public support is an important resource in a dynamic definition of the property crimes mission. In particular, the support of business and residential property owners should be solicited in three areas. First, property owners should be encouraged to participate in agency-sponsored target hardening and operation-identification programs. As part of these programs the importance of engraving property items

and/or of keeping records of identifying serial numbers for property should be made clear to citizens. Agencies which do not have such programs should implement them or encourage and assist public service clubs in the jurisdiction to do so.

A second area in which public support should be sought is in the restructuring of an agency's policies of responding to theft cases. Citizens should be alterted, especially if new policies will involve their being interviewed about events they may see as irrelevant to their victimization, or if they will be asked to fill out and return forms to the agency. Similarly, if new definitions of the theft enforcement mission prescribe a streamlined investigative response to many theft cases, the reasons for this policy change should be made clear to the public. Public support for alternative enforcement strategies should be directly and honestly sought, and the implications of such strategies for citizens should be explicitly stated. The situation to be avoided is one where citizens find out about an agency's new policies only after having been victimized--a time at which they are not likely to be favorably disposed toward law enforcement.

Finally, the public should be directly solicited for assistance in lobbying for legislation (such as that described above) important to property crimes enforcement. Such solicitation not only can provide additional support for passage of needed legislation, but also can serve an educative function in which the importance of unique identifiers and good record-keeping for property items is made clear to citizens.

IV. WORKING WITH PRIVATE SECTOR ORGANIZATIONS AND OTHER LAW ENFORCEMENT AGENCIES

Successful implementation and operation of a repair records analysis property recovery program also requires establishing good working relationships with manufacturers of and repair or service outlets for the property targeted, and with other law enforcement agencies.

A. Manufacturers, Repair or Service Outlets

The roles played by the manufacturers and repair or service dealers in a repair records analysis program have already been discussed in some detail above.[23] The manufacturers' use of: (1) permanent and unique serial numbers on all property items; and (2) of repair or service records containing the model number, serial number, and property description, as well as the name and address of the possessor of the property, are critical elements of a repair records analysis program.

Securing the cooperation and commitment of manufacturers and dealers may require careful groundwork. As mentioned in Chapter II above, this can be facilitated by legislation similar to that enacted in the state of California (see page 23). Even with such legislation, the agency may need to engage in a serious marketing effort to sell manufacturers and dealers on the repair records analysis program. Because of the importance of securing manufacturers' and dealers' cooperation, first in order to implement the match technique and later to verify leads with dealers, a repair records analysis program should initially focus on only one type of commodity. This makes it possible to focus all the time and attention necessary for gaining manufacturers' and dealers' cooperation.

---

[23]See pp. 23 to 24, 29, 31, and 72 to 73.

Once the program is operating smoothly with one type of commodity, and the agency has substantial experience working with private sector manufacturers and dealers, it is then possible to expand the program to other commodities without jeopardizing the success of the entire program. An overly broad, ambitious starting point for the program--targeting a number of different commodities--might, however, doom the program to failure since the agency's "marketing" efforts would be spread thinly by such an approach.

B. Other Law Enforcement Agencies

The cooperation of outside law enforcement agencies is also crucial to the success of a repair records analysis program. When property stolen in an outside jurisdiction is identified and located within the agency's jurisdiction, the original theft reports taken by an outside agency will be needed to verify hits and plan for the field interview. Similarly, when property stolen within the jurisdiction of the agency sponsoring a repair records analysis program is currently located in another jurisdiction, the assistance of an outside agency will be necessary to recover the property.

Agencies working on the California pilot and the national level repair records analysis projects have not experienced much difficulty in securing the cooperation and assistance of other law enforcement agencies. Since the repair records analysis program represents opportunities for both agencies to revitalize inactive cases, close cases, and recover stolen property, obvious advantages exist for providing assistance. Nevertheless, requests for theft reports or field work can be burdensome to an already overworked agency. Therefore, a repair records analysis

program should include procedures for contacting outside agencies. In implementing its program, an agency may want to contact outside agencies whose assistance is likely to be needed, to explain the nature and purposes of the new program, and to secure the name of an officer within those agencies who will coordinate future requests for assistance.

When it becomes necessary to contact a new agency, the request for assistance should include an explanation of the repair records analysis program. If the outside agency is to provide the assistance needed, particularly when the agency is to effect a recovery of stolen property, the request for assistance should also outline procedures or guidelines that will be helpful in satisfying the request. The investigator's materials contained in Appendix B (Checklist and Guidelines) and Appendix C (Investigation Report form) provide an example of the type of information that can assist officers.

V. SUMMARY

A repair records analysis program calls for a dramatic change in an agency's traditional definition of its property crimes enforcement mission. To successfully implement a repair records analysis program, an agency must not only secure the cooperation and commitment, but also coordinate the efforts of a wide range of individuals and organizations within and outside the agency. Implementation of the program can be thought of as involving four phases, or elements.

First, the agency must recognize and overcome existing barriers to the new, dynamic property crimes enforcement effort. For example, competing priorities in property crimes enforcement may make implementation difficult. Training and unequivocal departmental support

for the new program will be necessary to change attitudes toward property crimes enforcement and to enable agency personnel to carry out their new roles in the dynamic property crimes enforcement effort.

Second, the agency must establish policies that support the new property crimes enforcement mission. The policies and objectives must be clearly articulated and communicated to agency personnel. While each agency will want to establish its own program objectives, three objectives consistent with the dynamic approach to property crimes enforcement are as follows:

(1) To maximize the points at which enforcement intervention takes place in property crimes investigations.

(2) To maximize the potential for establishing the evidentiary trail in property crimes cases.

(3) To maximize the agency's capacity to recover stolen goods.

Third, the agency must marshal available resources--and possibly seek additional resources--to successfully implement the repair records analysis program. Legal remedies and enforcement aids should be reviewed, possibly with the assistance of the local prosecutive agency, in order to gain familiarity with and to assure appropriate utilization of existing (or new) laws. Agency resources must be examined and redirected. Two key agency resources that must be cultivated are (1) the automated stolen property system; and (2) agency personnel, including investigators, uniformed officers, personnel responsible for entering information into and maintaining the stolen property file, and data processors and programmers. Additionally, the agency should seek public support and assistance for the new property crimes enforcement effort to assure successful program implementation.

Finally, successful implementation and operation of a repair records analysis program requires establishing good working relationships with manufacturers of and repair or service outlets for the commodity targeted by the program. The agency must market its new program and secure the interest, commitment, and cooperation of these manufacturers and dealers. Furthermore, the agency must foster good working relationships with outside law enforcement agencies in order to facilitate successful program operation.

APPENDIX A

NATIONAL OFFICE EQUIPMENT REPAIR RECORDS ANALYSIS PROGRAM

INTERNAL CODING FORM FOR ORIGINAL CRIME REPORT AND REPAIR INVOICE

PROPERTY RECOVERY INTERNAL CODING FORM

1. SERIAL # OF ITEM

2. MODEL # OR DESCRIPTION

3. ORIGINATING AGENCY #

2. ORI CASE NUMBER

5. DATE OF THEFT m m d d y y

6. DATE THEFT REPORTED m m d d y y

7. NAME OF VICTIM LAST NAME, FIRST NAME, MIDDLE INITIAL (FIRM NAME, IF BUSINESS)

8. TYPE OF VICTIM

1 ☐ PRIVATE INDIVIDUAL
2 ☐ PROFESSIONAL (PHYSICIAN, ATTORNEY, ETC.)
3 ☐ BUSINESS ESTABLISHMENT
4 ☐ BANKING/FINANCIAL INSTITUTION, MANAGEMENT/CONSULTING FIRM
5 ☐ LOCAL GOVERNMENT AGENCY
6 ☐ STATE GOVERNMENT AGENCY
7 ☐ FEDERAL GOVERNMENT AGENCY
8 ☐ PRIVATE ORGANIZATION (CHARITABLE, RELIGIOUS, PROFESSIONAL, LOBYIST, ETC.)
9 ☐ OTHER _____

9. PLACE OF THEFT TOWN OR CITY

STATE

10. TOTAL LOSS IN THEFT (DOLLARS)

11. CRIME CLASSIFICATION

1 ☐ BURGLARY
2 ☐ LARCENY/THEFT
3 ☐ ROBBERY
4 ☐ POSSESSION/RECEIPT OF STOLEN PROPERTY
5 ☐ OTHER _____

12. HAS ANY PROPERTY FROM THIS THEFT BEEN RECOVERED? 1 ☐ YES 2 ☐ NO CODE

IF YES, PLEASE INDICATE RECOVERED ITEMS BELOW:

13. HAVE THERE BEEN ANY ARRESTS IN THIS CASE? 1 ☐ YES 2 ☐ NO

IF YES, PLEASE INDICATE ARRESTEE'S NAME(S) BELOW:

14. CURRENT STATUS OF CASE:

1 ☐ ACTIVE
2 ☐ INACTIVE
3 ☐ EXCEPTIONAL CLEARANCE
4 ☐ CLEARANCE BY ARREST
5 ☐ OTHER _____

15. BRANCH OFFICE

16. CUSTOMER'S INVOICE #

17. TAPE SOURCE

18. NAME OF CUSTOMER LAST NAME, FIRST NAME, MIDDLE INITIAL (FIRM NAME, IF BUSINESS)

19. ADDRESS OF CUSTOMER STREET NUMBER AND STREET NAME

TOWN

STATE

20. DATE OF REPAIR m m d d y y

21. PERSON WHO AUTHORIZED DCI REPAIR

22. COMMENTS

ANALYST _____ DATE _____ CODER _____ DATE _____

Form No. OC-103 (11/79)

APPENDIX B

NATIONAL OFFICE EQUIPMENT REPAIR RECORDS ANALYSIS PROGRAM

INVESTIGATOR'S CHECKLIST AND GUIDELINES FOR PROPERTY RECOVERY INVESTIGATIONS

PROPERTY RECOVERY PROGRAM - INVESTIGATOR'S CHECKLIST

STEP I: VERIFICATION	CHECK WHEN COMPLETED
1. PULL THE ORIGINAL CRIME REPORT AND VERIFY THE SERIAL NUMBER AND MODEL NUMBER/DESCRIPTION OF THE TYPEWRITER REPORTED STOLEN (If in checking the original crime report, you find that the current possessor of the typewriter and the theft victim are identical, then it is possible that the victim filed either an erroneous or a fraudulent theft report. In either case a field visit should be conducted.)	☐
2. COMPARE THE SERIAL NUMBER AND MODEL NUMBER/DESCRIPTION OF THE TYPEWRITER REPORTED STOLEN WITH THAT PROVIDED IN THE INVESTIGATIVE LEAD (It is particularly important to verify both the serial number and the model of the item since different models of IBM machines with serial numbers in the 1,000,000 to 3,000,000 range may have duplicate serial numbers.)	☐
3. CONTACT OUTSIDE AGENCY FOR ASSISTANCE IN THE FIELD INVESTIGATION AND RECOVERY, IF NEEDED (Assistance may be needed when a typewriter stolen in your jurisdiction has been located elsewhere. If you need help in contacting other agencies, call your State Coordinator.)	☐
STEP II: INVESTIGATION PLAN	
1. REVIEW THE PROPERTY RECOVERY INVESTIGATION REPORT	☐
2. ASSESS POTENTIAL COOPERATIVENESS OF CURRENT POSSESSOR OF THE STOLEN TYPEWRITER (It is likely that most current possessors, whether culpable or innocent, will be surprised by your visit. Your own judgment will serve you best in balancing the element of surprise against the need to obtain a search warrant beforehand.)	☐
3. ASSESS NEED FOR SEARCH WARRANT (Should you determine that a search warrant is necessary, consult your State Coordinator or local prosecutor regarding procedures for obtaining search warrant.)	☐
4. PLAN DEBRIEFING OF CURRENT POSSESSOR OF STOLEN ITEM (The PRI Report identifies the information you will want to obtain in Items 11 through 20.)	☐
5. PLAN FOR DISPOSITION OF STOLEN ITEM(S) RECOVERED IN FIELD INVESTIGATION	☐
STEP III: FIELD INVESTIGATION	
1. VERIFY SERIAL NUMBER AND MODEL OR DESCRIPTION OF TYPEWRITER AT FIELD LOCATION	☐
2. DEBRIEF CURRENT POSSESSOR USING THE PROPERTY RECOVERY INVESTIGATION REPORT	☐
3. RECOVER STOLEN ITEM(S) ON PREMISES (Recovery should <u>not</u> be limited to the stolen typewriter(s) if other stolen goods are present.)	☐
STEP IV: CASE EVALUATION	
1. LOG IN PROPERTY RECOVERED IN FIELD INVESTIGATION	☐
2. CHECK ADDITIONAL RECOVERED ITEM(S) AGAINST AUTOMATED PROPERTY SYSTEM FOR IDENTIFICATION	☐
3. FINALIZE DISPOSITION OF RECOVERED PROPERTY	☐
4. COMPLETE THE PROPERTY RECOVERY INVESTIGATION REPORT	☐
5. FORWARD COPY OF CASE FILE AND PROPERTY RECOVERY INVESTIGATION REPORT TO STATE COORDINATOR	☐

STOLEN PROPERTY LOCATION & RECOVERY PROGRAM

GUIDELINES FOR INVESTIGATORS

RATIONALE FOR THE PROGRAM

As you know, burglary and theft constitute the number one crime problem in the United States. Law enforcement authorities across the country have been constantly frustrated in their attempts to clear theft cases and recover stolen property for theft victims. A major part of the problem is that many people are allowed to benefit with impunity from property crime including: the *thief* who is paid in drugs or cash for the loot; the *fence* who buys cheaply from the thief and sells at a profit; and the *final consumer* who often gets stolen goods at a "bargain" price. Theft and fencing investigators generally agree that the only way property crime can be controlled is to take the profit out of it by impeding stolen property transactions.

The stolen property recovery program described below has been designed to impede such transactions by identifying current possessors of stolen items and allowing investigators to work backward from these persons to others through whose hands stolen goods have passed. Currently, the program is focusing on stolen typewriters; but depending upon your response and the success of your investigations, the program may be extended to other stolen items, TVs and stereos, for example. Your cooperation in this program is appreciated.

INVESTIGATIVE GUIDELINES

Attached you will find detailed information on the current location of IBM typewriters that were previously reported stolen in your jurisdiction. This information can be made available to you because of records comparisons made between records of stolen items maintained in a national or statewide automated stolen property file, and records of repaired items maintained by the IBM Corporation. For each stolen typewriter, the following information is provided:

1. Serial number of the located typewriter
2. Model number or description (e.g., "selectric") of the located typewriter
3. ID number of the IBM branch office providing information
4. Date the stolen typewriter was repaired
5. ID number of your agency
6. Your agency's case number for the theft in which the typewriter was reported stolen
7. Date your agency entered the item in an automated stolen property file
8. Name of the individual or business currently in possession of the typewriter
9. Address of this individual or business

For each located stolen typewriter, the above set of information should be regarded as an investigative lead. At minimum this lead will make it possible for the stolen item to be recovered for its lawful owner. In addition, this lead can assist you in establishing the following:

1. the culpability of the current possessor of the typewriter - *Persons in possession of stolen goods may have purchased them under a variety of circumstances, some legitimate and others not. Nevertheless, any person in possession of a stolen item is obligated to surrender that item to law enforcement officer upon notice or proof that the item is stolen. In addition, any such person may be guilty of a violation of the penal code if he or she gained that possession with knowledge of the stolen character of the item.*

2. the identity and whereabouts of others who have possessed the stolen typewriter - *The current possessor of the typewriter should at minimum be able to identify the person(s) from whom the typewriter was received or purchased, and to relate the circumstances under which possession occurred (including price paid, how payment was made, where purchase was made, etc.). The current possessor may want to consult his or her business or personal records (including checkbook) to refresh recollection of the transaction. Persons from whom the typewriter was obtained may be any one of the following types of people:*

   a. the thief or thieves who originally stole the typewriter
   b. a criminal receiver of stolen goods (fence) operating openly
   c. a criminal receiver of stolen goods (fence) operating through a legitimate business
   d. a culpable purchaser from any of the above
   e. an innocent purchaser from any of the above

3. the nature and location of other stolen items - *Discussion with the current possessor of the typewriter may also uncover the description and location of other stolen items. These items may be discovered on the same premises where the typewriter was located or in the possession of others identified by the current possessor.*

FORM CONTINUES ON REVERSE SIDE

THE PROPERTY RECOVERY INVESTIGATION REPORT FORM

In order to assist in your investigation and follow up of these leads, you are provided with a Property Recovery Investigation (PRI) Report form. You are asked to use this form to report the results of your field investigation so that the overall success of this recovery program can be documented. You are also provided with an Investigator's Checklist which you may find useful.

In those cases where previously stolen IBM typewriters are still in your jurisdiction, you are directed to conduct a field investigation using the PRI Report form provided. This field investigation should consist of two parts: (1) a thorough debriefing of the current possessor; and (2) recovery of the stolen typewriter as well as of any other stolen items that may be on the premises. In those cases where typewriters originally stolen in your jurisdiction have been located elsewhere, you should contact the appropriate law enforcement agency in that jurisdiction and ask their assistance in debriefing the current possessor and recovering the stolen typewriter and any other stolen items that may be on the premises. You may want to send the assisting agency a copy of this sheet of guidelines, the PRI Report form, and the Investigator's Checklist to help them in their efforts. If another agency conducts the field investigation for you, you are still responsible for completing the PRI Report form and transmitting it as instructed below.

Some notes of clarification on several of the items on the PRI Report form are in order:

Item 4 - If answer is no, please inquire whether item was there previously and ask about current location.

Item 5 - If answer is no, please return this form immediately to the address below. Include your signature, rank/assignment, and date as noted below.

Items 11 & 12 - "Possessor" is the person responsible for purchase or acquisition of the item. Thus, in a business setting, the secretary using the typewriter would not normally qualify as its "possessor." Instead in this case, the business manager or purchasing agent would more likely be the person "in possession."

Items 13 to 20 - If the possessor has difficulty remembering the purchase transaction, ask to see business or personal records (including checkbook, property ledger, etc.).

Item 26 - It is important to notify the original theft victim that there has been at least a partial resolution to his or her reported crime.

Itesm 28 & 29 - In order to determine whether or not it would be worthwhile to extend this recovery program to other types of property items, it is necessary to have some estimates of the time taken to follow up each investigative lead.

Upon completion of the field investigation, please transmit a copy of your case file and the completed PRI Report to:

If you have any questions or suggestions about how this recovery program might be improved, or if you need assistance, please do not hesitate to contact:

READEX FICHE best copy available

APPENDIX C

NATIONAL OFFICE EQUIPMENT REPAIR
RECORDS ANALYSIS PROGRAM

PROPERTY RECOVERY REPORT FORM
FOR FIELD INVESTIGATIONS

PROPERTY RECOVERY INVESTIGATION REPORT
DEPARTMENT OF JUSTICE - B.O.C.C.I.

1. SERIAL # OF STOLEN TYPEWRITER:	2. MODEL # OR DESCRIPTION OF STOLEN TYPEWRITER:	3. DATE OF FIELD VISIT: m m d d y y	4. WAS ITEM ON PREMISES?	5. WAS SERIAL # CONFIRMED?
			☐1 YES ☐2 NO	☐1 YES ☐2 NO

6. LOCATION OF STOLEN TYPEWRITER:

7. CITY: 8. STATE: 9. ZIP CODE:

10. TYPE OF PREMISES IN WHICH ITEM LOCATED:

- ☐ 01 RESIDENCE
- ☐ 02 RESIDENCE USED AS BUSINESS
- ☐ 03 PROFESSIONAL OFFICES/FIRM
- ☐ 04 BUSINESS ESTABLISHMENT
- ☐ 05 BANKING/FINANCIAL INSTITUTION, MANAGEMENT/CONSULTING FIRM
- ☐ 06 LOCAL GOV'T AGENCY/OFFICES
- ☐ 07 STATE GOV'T AGENCY/OFFICES
- ☐ 08 FEDERAL GOV'T AGENCY/OFFICES
- ☐ 09 PRIVATE ORGANIZATION (CHARITABLE, RELIGIOUS, PROFESSIONAL ASS'N, ETC.)
- ☐ 10 OTHER _____

11. NAME OF PERSON IN POSSESSION OF ITEM:
Last Name, First Name, Middle Initial

12. OCCUPATION OF POSSESSOR: _____ CODE

13. DATE ITEM PURCHASED: m m d d y y

14. AMOUNT PAID FOR ITEM: (DOLLARS ONLY)

15. HOW PAYMENT WAS MADE:
☐1 CASH ☐2 CHECK ☐3 CREDIT CARD ☐4 INSTALLMENT CONTRACT ☐5 OTHER _____

16. WHERE/HOW PURCHASE WAS MADE:

- ☐ 01 THROUGH OFFICE EQUIPMENT DEALER
- ☐ 02 THROUGH OTHER WHOLESALER
- ☐ 03 THROUGH OTHER RETAIL DEALER
- ☐ 04 THROUGH SECOND-HAND SHOP/PAWN BROKER
- ☐ 05 THROUGH NEWSPAPER/RADIO/TELEVISION ADVERTISEMENT
- ☐ 06 AT FLEA MARKET/SWAP MEET
- ☐ 07 IN BAR/TAVERN/RESTAURANT
- ☐ 08 AT OFFICE OR JOB SITE
- ☐ 09 THROUGH A FRIEND _____
- ☐ 10 OTHER _____

17. SELLER OF ITEM WAS: ☐1 BUSINESS ☐2 INDIVIDUAL

18. HAD POSSESSOR DONE BUSINESS WITH THE SELLER BEFORE? ☐1 YES ☐2 NO

19. NAME OF INDIVIDUAL OR BUSINESS WHICH SOLD ITEM TO POSSESSOR:
Last Name, First Name, Middle Initial (Firm Name if Business)

20. WAS OTHER MERCHANDISE OFFERED FOR SALE WHEN PURCHASE WAS MADE?
☐1 YES ☐2 NO IF YES, WHAT KIND(S)? _____ CODE

21. LIST ANY OTHER PROPERTY RECOVERED IN FIELD INVESTIGATION (BY SERIAL # AND DESCRIPTION):
_____ CODE

22. WAS STOLEN ITEM RETRIEVED IN FIELD INVESTIGATION? ☐1 YES ☐2 NO

25. HAVE ANY ARRESTS BEEN MADE PURSUANT TO THIS INVESTIGATION AND RECOVERY? ☐1 YES ☐2 NO

FORM CONTINUES ON REVERSE SIDE

FORM OC-103(12/79)

24. HAVE ANY CASES BEEN ACCEPTED FOR PROSECUTION?

☐1 YES ☐2 NO IF YES, PLEASE INDICATE PERSON(S)/CRIME(S) CHARGED BELOW:

NAMES OF PERSON(S) CHARGED Last Name, First Name, Middle Initial	CRIME(S) CHARGED				
	BURGLARY	LARCENY/ THEFT	ROBBERY	POSSESSION/ RECEIPT OF STOLEN PROPERTY	OTHER (Please Specify)
1.					
2.					
3.					
4.					
5.					
6.					
7.					

25. CURRENT LOCATION OF STOLEN ITEM(S):

☐1 IN CUSTODY OF AGENCY PROPERTY ROOM ☐3 IN CUSTODY OF IDENTIFIED POSSESSOR ☐5 IN CUSTODY OF COURT AS EVIDENCE

☐2 IN CUSTODY OF ORIGINAL OWNER ☐4 IN CUSTODY OF INSURANCE CARRIER ☐6 OTHER _____

26. HAS THE ORIGINAL THEFT VICTIM BEEN NOTIFIED OF ITEM VERIFICATION AND/OR RECOVERY?

☐1 YES ☐2 NO

27. HAVE ANY ADDITIONAL INVESTIGATIVE LEADS DEVELOPED AS A RESULT OF THIS INVESTIGATION/RECOVERY?

☐1 YES ☐2 NO

28. PLEASE ESTIMATE BELOW THE NUMBER OF HOURS SPENT BY YOU AND OTHERS IN YOUR AGENCY IN EFFECTING THIS FIELD INVESTIGATION/RECOVERY:

☐☐☐ HOURS

29. PLEASE ESTIMATE BELOW THE NUMBER OF HOURS SPENT BY OFFICERS IN OTHER AGENCIES (IF ANY) WHO ASSISTED IN THIS FIELD INVESTIGATION/RECOVERY:

☐☐☐ HOURS

30. PLEASE RECORD BELOW ANY ADDITIONAL INVESTIGATIVE INFORMATION, COMMENTS, CRITICISMS, OR SUGGESTIONS YOU MAY HAVE ABOUT THIS RECOVERY PROGRAM:

31. SIGNATURE OF OFFICER COMPLETING FORM:

32. PRINTED NAME/RANK OF OFFICER COMPLETING FORM:

33. CITY/STATE AGENCY:

ORI #

34. DATE:

U.S. GOVERNMENT PRINTING OFFICE : 1981 O - 350-472